By Mr. HENRY C. SMITH: Petition of Edward M. McMillin and members of the First Presbyterian Church of Adrian, Mich., to prevent the dealing in intoxicating drinks upon premises used for military purposes—to the Committee on Military Affairs.

By Mr. SPERRY: Petition of Mansfield Post, of Middletown, Conn., Grand Army of the Republic, favoring the passage of Senate bill No. 1477, relating to pensions—to the Committee on Invalid Pensions.

Also, petition of druggists of Waterbury, Derby, and Guilford, Conn., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. STEWART of New Jersey: Petition of Samuel Sykes and other druggists of Paterson, N. J., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. STEWART of Wisconsin: Resolutions of Samuel H. Sizer Post, No. 207, of Marinette, Wis., Grand Army of the Republic, urging the passage of certain amendments to the present pension law—to the Committee on Invalid Pensions.

Also, petition of clerks of the Milwaukee (Wis.) post-office, in favor of the passage of House bill No. 4351, for the classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Gallagher & McCarthy, of Shawano, Wis., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. SULLOWAY: Petition of F. S. Prescott and 10 other citizens of Epping, N. H., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. UNDERWOOD (by request): Paper to accompany House bill to remove the charge of desertion from the record of John J. Little—to the Committee on Military Affairs.

Also, petition of the heirs of V. Burrow, deceased, late of Lauderdale County, Ala., for reference of war claims to the Court of Claims—to the Committee on War Claims.

Also, petition of Tabitha Stephens, of Jackson County, Ala., for reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of the heirs of Nathaniel Kenmemer, deceased, of Jackson County, Ala., to refer claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Malinda McClendon, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of George Cross, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of David Derrick, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

Also, petition of Sarah Derrick, of Jackson County, Ala., praying reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WADSWORTH: Petition of 4 postal clerks of Dansville, N. Y., favoring the passage of House bill No. 4351—to the Committee on the Post-Office and Post-Roads.

Also, petition of James Gallagher and 10 members of Branch 355, National Association of Letter Carriers, Niagara Falls, N. Y., favoring the passage of House bill No. 4911, in the interest of letter carriers—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grange No. 870, Patrons of Husbandry, Caledonia, N. Y., in favor of the passage of House bill No. 3717, known as the Grout oleomargarine bill—to the Committee on Agriculture.

Also, petition of Grange No. 870, Patrons of Husbandry, of Caledonia, N. Y., and B. N. Walker and 15 citizens of Bergen, N. Y., in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. WEYMOUTH: Petition of the Baptist Church of Ashland, Mass., in favor of the Bowersock anti-canteen bill—to the Committee on Insular Affairs.

By Mr. JAMES R. WILLIAMS: Papers to accompany House bill granting an increase of pension to James R. Brackett—to the Committee on Invalid Pensions.

Also, resolutions of the Cumberland Presbyterian Young People's Society of Christian Endeavor of Mount Vernon, Ill., against island saloons and canteens—to the Committee on Alcoholic Liquor Traffic.

By Mr. WILSON of Idaho: Petition of C. H. Arbuckle, State game warden, and other citizens of Idaho, for the establishment of a fish hatchery at Henrys Lake, Idaho—to the Committee on the Merchant Marine and Fisheries.

By Mr. YOUNG: Petition of Grain Dealers' National Association of Chicago, Ill., praying for a reduction of the war-revenue tax on grain or cotton tickets and bills of lading—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of the State of New York, favoring the passage of House bill No. 10374, modifying the Loud bill—to the Committee on the Post-Office and Post-Roads.

By Mr. ZIEGLER: Papers to accompany House bill granting a pension to E. E. Loucks, widow of Isaac Loucks, late of Company I, Twenty-sixth Pennsylvania Infantry—to the Committee on Invalid Pensions.

Also, papers to accompany House bill to grant a pension to Jacob A. Graham, captain of Company F, Thirteenth Pennsylvania Cavalry—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *May 9, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. RAWLINS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

TRADE RELATIONS WITH FRANCE AND ALGERIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 26th ultimo, a statement showing the quantity and value of merchandise imported into the United States from France and Algeria, by months, under the provisions of the reciprocal commercial arrangement concluded on May 28, 1898, etc.; which, with the accompanying papers, was referred to the Committee on Finance, and ordered to be printed.

ALLEGED VIOLATIONS OF CIVIL-SERVICE LAW.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 3d instant, certain information relative to what action, if any, has been taken by the Department of Justice in reference to alleged violations of the civil-service law; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

WILLIAM H. THEOBALD.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, in response to a resolution of the 30th ultimo, calling for the report of Special Agent W. A. Sutherland, relative to the connection of William H. Theobald with the Chinese investigation and criminal trial of Deputy Collector Porter, of Malone, etc., stating that for certain reasons given he deems it his duty for the present not to make the report public; which was ordered to lie on the table and be printed.

GOVERNMENT FOR HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriations required to carry out certain provisions of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; which was referred to the Committee on Appropriations, and ordered to be printed.

COMPENSATION IN LIEU OF MOIETIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the acting chief of division of customs, Treasury Department, in relation to the inadequacy of the sum of $10,000 for "compensation in lieu of moieties," for the ensuing fiscal year, and recommending that the amount be increased to $20,000; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

COURTS IN HAWAII.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney-General submitting additional estimates of appropriations for salaries of clerk and reporter of the United States district court, additional United States district judges, and miscellaneous expenses, United States courts, Territory of Hawaii; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

ELECTION IN CUBA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in further response to a resolution of March 21, 1900, certain information relative to the qualifications required to entitle a person to vote at the coming election in the island of Cuba, etc.; which, with the accompanying papers, was referred to the Committee on Relations with Cuba, and ordered to be printed.

GATHMANN TORPEDO SHELL AND GUN.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 7th instant, the reports of experiments with the Gathmann torpedo shell and gun; which, on motion of Mr. HALE, was, with the accompanying papers, referred to the Committee on Naval Affairs, and ordered to be printed.

UNION PACIFIC RAILWAY.

The PRESIDENT pro tempore laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 14th instant, copies of all papers on file in the Department of Justice relative to the distribution of the receivership fund of the Union Pacific Railway Company; which, with the accompanying papers, was referred to the Committee on Pacific Railroads, and ordered to be printed.

VESSEL BRIG UNION.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel brig *Union*, John Walker, master; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the joint resolution (H. J. Res. 198) providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Porto Rico, including the chapter relating to the fish and fisheries of Porto Rico, as contained in the Fish Commission Bulletin for 1900.

The message also announced that the House had passed the following bills:

A bill (S. 392) to pay the General Marine Insurance Company, of Dresden, the sum of $1,434.12 for certain coupons detached from United States bonds, which said coupons were lost on the Cunard steamship *Oregon*, sunk at sea March 14, 1886;

A bill (S. 1284) for the relief of W. H. L. Pepperell, of Concordia, Kans.;

A bill (S. 1356) for the relief of Edwin L. Field; and

A bill (S. 1894) for the relief of the Union Iron Works, of San Francisco, Cal.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1409) for the relief of Robert A. Ragan;

A bill (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers;

A bill (H. R. 3044) for the relief of John M. Martin, of Ocala, Fla.;

A bill (H. R. 3376) for the relief of Franklin Lee and Charles F. Dunbar;

A bill (H. R. 3819) for the relief of the widows and children of William Ryan and John S. Taylor, deceased;

A bill (H. R. 5324) for the relief of the employees of William M. Jacobs;

A bill (H. R. 5739) for the relief of Gus A. Nowak; and

A bill (H. R. 6749) for the relief of Mary A. Swift.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 1477) in amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890;

A bill (H. R. 4368) granting a pension to Flora B. Hinds; and

A bill (H. R. 8405) granting a pension to Sophronia Seely.

PETITIONS AND MEMORIALS.

Mr. PENROSE presented a petition of the Board of Trade of Wilkesbarre, Pa., praying for the adoption of certain amendments to the postal laws relating to second-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Erie Central Labor Union, American Federation of Labor, of Erie Pa., praying for the enactment of legislation increasing the compensation of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Sunbury and Shickshinny, Pa., praying for the enactment of legislation providing for the reclassification of clerks in the Railway Mail Service; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of Brandywine Grange, No. 60; Columbia Grange, No. 83, and of Chestnut Grange, No. 133, all Patrons of Husbandry, in the State of Pennsylvania, praying for the enactment of legislation to secure to the people of the country the advantages of State control of imitation dairy products; which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of Pioneer Grange, No. 1098; of Charleston Union Grange, No. 1017, and of Eureka Grange, No. 607, all Patrons of Husbandry, in the State of Pennsylvania, praying for the adoption of certain amendments to the interstate-commerce law; which were ordered to lie on the table.

He also presented a petition of the congregation of the First Presbyterian Church of Susquehanna, Pa., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, or canteen, or transport, or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented petitions of the Young Men's Christian Association and of the congregations of the United Brethren, Presbyterian, and Calvary Lutheran churches, all of Wilkinsburg, in the State of Pennsylvania, praying for the enactment of legislation to prohibit the importation, manufacture, and sale of intoxicating liquors and opium in Hawaii; which were ordered to lie on the table.

Mr. MALLORY presented a resolution adopted by the Democrats of Hamilton County, Fla., in convention assembled, in favor of the election of United States Senators by a direct vote of the people; which was referred to the Committee on Privileges and Elections.

Mr. HOAR presented petitions of the congregations of the Methodist Church of Ashland, the Baptist Church of Ashland, and the Congregational Church of Ashland, all in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange or canteen or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. THURSTON presented petitions of the Modern Woodmen societies of Hendley, Wolbach, and Pleasantdale, all in the State of Nebraska, praying for the adoption of an amendment to section 4, paragraph 5, of the so-called Loud bill, relating to second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 4427) for the relief of George W. King, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. DANIEL on the 8th instant, proposing to appropriate $200,000 to enable the Secretary of War to commence the construction of a memorial bridge across the Potomac River to Arlington, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

He also, from the Committee on Claims, to whom was referred the amendment submitted by Mr. VEST on the 8th instant, proposing to appropriate $35,000 to pay W. R. Austin & Co. for materials furnished to the Interior Department for use in the Eleventh Census, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (H. R. 5886) granting a pension to William H. Lane, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 911) to amend section 1176 of the Revised Statutes of the United States, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 866) for the relief of Payne, James & Co., reported it with an amendment, and submitted a report thereon.

Mr. TELLER, from the Committee on Claims, to whom was referred the amendment submitted by himself on the 7th instant, proposing to appropriate $3,660 to pay for the work of arranging and preparing the index of private claims introduced during the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. HAWLEY, from the Committee on Military Affairs, to

whom was referred the bill (S. 1673) to grant an honorable discharge from the military service to Charles H. Hawley, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on the 11th ultimo, proposing to appropriate $2,500 for the reburial of the bodies of about 128 Confederate soldiers which are buried in the National Soldiers' Home, near Washington, D. C., intended to be proposed to the sundry civil appropriation bill, reported it with an amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

MESSENGER FOR COMMITTEE.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, directed to appoint a messenger for the Committee to Audit and Control the Contingent Expenses of the Senate, whose services shall be devoted exclusively to the business of said committee, and that the messenger so appointed shall be selected by said committee and paid from the contingent fund of the Senate at the rate of $1,440 per annum until otherwise provided for by law.

THOMAS D. GOLD.

Mr. MARTIN, from the Committee on Claims, to whom was referred the bill (S. 787) for the relief of Thomas D. Gold, administrator of Zebedee Gray, of Clarke County, State of Virginia, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 787) entitled "A bill for the relief of Thomas D. Gold, administrator of Zebedee Gray, of Clarke County, State of Virginia," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

THOMAS B. SMITH.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 2820) for the relief of Thomas B. Smith, administrator of Thomas S. Hardaway, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the bill (S. 2820) entitled "A bill for the relief of Thomas B. Smith, administrator of Thomas S. Hardaway," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 4619) granting an increase of pension to Frances Gray;

A bill (S. 4620) granting an increase of pension to William D. Johnson;

A bill (S. 4621) granting an increase of pension to Mary Von Kusserow; and

A bill (S. 4622) granting an increase of pension to John Stauffer.

Mr. PENROSE introduced a bill (S. 4623) to remit the sentence of general court-martial against Milton Osthein, late a private of Company H, Twelfth United States Infantry, and grant him an honorable discharge; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 4624) to correct the military record of George Adams; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4625) for the relief of Jane W. Mason; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 4626) to provide for the purchase of a site and the erection of a public building thereon at Newcastle, in the State of Pennsylvania; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BATE introduced a bill (S. 4627) for the relief of Davidson County, in the State of Tennessee; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

Mr. TELLER introduced a bill (S. 4628) for the relief of Mary B. Spencer, administratrix of Albert G. Boone, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. SPOONER introduced a bill (S. 4629) to amend sections 2597 and 2598 of the Revised Statutes relating to customs districts and customs officers in the State of Wisconsin; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 4630) granting an increase of pension to James H. Bellinger; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. PENROSE submitted an amendment directing the Secretary of the Treasury to reexamine and reaudit the claim of the State of Pennsylvania for money expended in aid of the suppression of the war of the rebellion, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also submitted an amendment proposing to appropriate $3,389.08 to pay Edward Bedloe, late consul-general of the United States at Canton, China, balance of salary due him, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MALLORY submitted an amendment proposing to increase the limit of cost for public building at Tampa, Fla., from $250,000 to $350,000, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $30,000 for completing the improvement of the military roadway from Pensacola, Fla., to the national cemetery near that city, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CLAY submitted an amendment proposing to appropriate $10,000 to construct a road from Graysville, Ga., to the Chickamauga National Military Park, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. TURNER submitted an amendment directing the Secretary of War to appoint a board of officers to make an examination and prepare estimates for the improvement of Snake River, in the States of Idaho and Washington, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment proposing to make appropriations for continuing the improvement of Cowlitz River, Skagit River, Olympia Harbor, etc., all in the State of Washington, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. SHOUP submitted an amendment proposing to appropriate $2,070 to pay the legal representatives of Gilman Sawtelle, Priest River, Idaho, for remuneration for damages done to his property by United States troops, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,400 to pay the heirs of Darius B. Randall, deceased, for certain improvements situated on the Nez Perce Indian Reservation, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FORAKER submitted an amendment proposing to appropriate $3,000 for the erection of a monument on the battlefield at Old Fort Piqua, Clark County, Ohio, to commemorate the victory of Col. George Rogers Clark and the Kentucky soldiers under his command, etc., intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FOSTER submitted an amendment proposing to appropriate $300,000 for the establishment of joint light-houses and fog-signal stations in Alaskan waters, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BARD submitted an amendment proposing to appropriate $50,000 for the construction of a wagon road within the boundary of the Yosemite National Park, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $31,300 for the protection of Sequoia National Park, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to appropriate $50,000 for the purchase and making free of any one of the toll roads in the Yosemite National Park which the Secretary of the Interior may select, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

INVESTIGATION OF PANAMA CANAL.

Mr. MORGAN. I move that House Report No. 2615, Fifty-second Congress, second session, being a report from the Special Committee to Investigate the Panama Canal Company, etc., be reprinted.

The motion was agreed to.

ANTONIO Q. LOVELL AND OTHERS.

Mr. MONEY submitted the following resolution; which was referred to the Committee on Claims:

Resolved, That the bill (S. 4278) entitled "A bill for the relief of Antonio Q. Lovell and others," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

A bill (H. R. 1409) for the relief of Robert A. Ragan;

A bill (H. R. 2824) to pay certain judgments against John C. Bates and Jonathan A. Yeckley, captain and first lieutenant in the United States Army, for acts done by them under orders of their superior officers;

A bill (H. R. 3044) for the relief of John M. Martin, of Ocala, Fla.;

A bill (H. R. 3376) for the relief of Franklin Lee and Charles F. Dunbar;

A bill (H. R. 3819) for the relief of the widows and children of William Ryan and John S. Taylor, deceased;

A bill (H. R. 5324) for the relief of the employees of William M. Jacobs;

A bill (H. R. 5739) for the relief of Gus A. Nowak; and

A bill (H. R. 6749) for the relief of Mary A. Swift.

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore. Is there further morning business?

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. The morning business is closed.

Mr. HALE. I ask that the naval appropriation bill be laid before the Senate.

The PRESIDENT pro tempore. The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 10450) making appropriations for the naval service for the fiscal year ending June 30, 1901, and for other purposes.

Mr. HALE. Mr. President, when the Senate ended consideration of this bill for yesterday it was in secret session, which had been brought about by the motion of the Senator from South Carolina [Mr. TILLMAN]. I leave it now to the Senator from South Carolina in the present condition to take such course as he deems wise as to going on in open session or going into secret session.

Mr. TILLMAN. Well, Mr. President, remembering what occurred in the Senate yesterday, and the predictions that were made as to what would appear in the newspapers this morning, I really feel that any attempt to keep the matters we were discussing from being made public is almost hopeless. It will be remembered by those who were present yesterday afternoon and who have read the morning paper that there is a great deal more in the paper than was brought out here. So it appears that we may reasonably——

Mr. CHANDLER. Mr. President, I rise to a question of order.

Mr. VEST. I rise to a question of order.

Mr. CHANDLER. I yield to the Senator from Missouri.

Mr. VEST. I suggest that we had better go into secret session if that sort of a remark is to be made.

Mr. CHANDLER. Such, I understand, is the vote of the Senate.

The PRESIDENT pro tempore. The Senator from Missouri moves——

Mr. TILLMAN. I hope the Senator will let me get through with my observation.

Mr. VEST. I make the motion because I think the statement of the Senator does exactly what we wish to prevent. He is now going on to state that in view of what is published in the papers this morning it is useless to go into secret session. That is an advertisement to the public that the papers reported correctly what occurred here.

Mr. CHANDLER. I join in the motion of the Senator from Missouri.

The PRESIDENT pro tempore. The Sergeant-at-Arms will clear the galleries and close the doors.

The Senate (at 12 o'clock and 20 minutes p. m.) proceeded to deliberate with closed doors, and at 1 o'clock and 3 minutes p. m. the doors were reopened.

Mr. HALE. Mr. President, if I can have the attention of the Senate I will do what I ordinarily would not do upon an appropriation bill, proceed to argue it before objection has been made; but I know that this proposition involves the whole contest, and that we will have it before us to-day.

Mr. TILLMAN. Mr. President, I will relieve the embarrassment of the Senator from Maine, if he will permit me, by offering an amendment to the Senate amendment, so that he will then have a basis upon which to speak.

Mr. HALE. I yield for that purpose.

Mr. TILLMAN. On page 65, in line 23, after the word "dollars," I move to strike out down to and including the word "royalties," in line 4 on page 66; then, in line 6, page 66, after the word "above," I move to insert "at $300 per long ton;" then, in line 12, after the word "That," I move to strike out the word "if;" then I move to strike out everything after the word "Navy," in line 12, down to and including the word "he," in line 17.

If Senators will get their bills and make these corrections, they will then be able to grasp the purport of the amendment proposed by the committee as it would read after this amendment of mine has been incorporated into it.

Mr. JONES of Arkansas. Will the Senator again state the amendment?

Mr. PETTUS. Let the amendment be read from the desk.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. ALLISON. What does the Senator propose to substitute for the language contained between line 6 and line 12?

Mr. TILLMAN. I leave that there.

Mr. BACON. Now, can not the Senator state succinctly exactly what is proposed by the amendment?

Mr. ALLISON. I ask that the amendment may be read.

Mr. TILLMAN. I will read it, so as to be sure that Senators will have it right.

Commencing on line 23, on page 65, after the word "dollars," strike out down to and including the word "royalties," in line 4 on page 66. It will then read:

If, after due advertisement, the Secretary of the Navy should be unable to contract for such armor designated above at $300 per long ton, then and in that event the Secretary of the Navy is authorized to procure armor of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, now awaiting armor, and to pay therefor not to exceed $545 per ton of 2,240 pounds: *Provided further*, That the Secretary of the Navy—

Now, go down to line 17, striking out the rest, and it will read:

is hereby directed to procure or purchase a suitable site and erect thereon an armor-plate factory, etc.

Mr. President, unless the Senator from Maine wishes to go on, I will explain. I say I offer these amendments in order to give the Senator from Maine an opportunity to speak. If he prefers, I will open the matter a little and then let him come in, or let him go on now.

Mr. HALE. I will go on now.

Mr. ALLISON. Will the Senator from Maine permit me a moment?

Mr. HALE. Certainly.

Mr. ALLISON. Do I understand that these are the two rival propositions which are now presented for debate?

Mr. HALE. Undoubtedly—the modification proposed by the Senator from South Carolina [Mr. TILLMAN] and the amendment proposed by the majority of the Committee on Naval Affairs.

Mr. CHANDLER. It seems to me, Mr. President, that the motion made should be understood at the desk, for we are going to vote on it after a while, and before it is argued I ask that it be read.

Mr. TILLMAN. I ask that it be read. I desire to see if the clerks have got the amendment down correctly.

Mr. HAWLEY. Let the amendment of the committee be read as it will stand if the amendment of the Senator from South Carolina be agreed to.

Mr. STEWART. Let the amendment be read as it is proposed to be amended.

The PRESIDENT pro tempore. The Secretary will read the amendment of the committee as proposed to be amended.

The Secretary proceeded to read the amendment.

Mr. HALE. Is the Secretary proposing to read the amendment as proposed to be amended by the Senator from South Carolina?

The PRESIDENT pro tempore. The Secretary is reading the entire amendment as proposed to be amended by the Senator from South Carolina.

Mr. HALE. Very well.

The SECRETARY. It is proposed to amend the amendment reported by the Committee on Naval Affairs after line 13, on page 65, so as to read as follows:

Armor and armament: Toward the armament and armor of domestic manufacture for the vessels authorized by act of March 2, 1895; for those authorized by the act of June 10, 1896; for those authorized by the act of March 3, 1897; for those authorized by the act of May 4, 1898; for those authorized by the act of March 3, 1899, and for those authorized by this act, $4,000,000. If, after due advertisement, the Secretary of the Navy should be unable to contract for such armor designated above at $300 per long ton, then, and in that event, the Secretary of the Navy is authorized to procure armor of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*, now awaiting armor, and to pay therefor not to exceed $545 per ton of 2,240 pounds: *Provided further*, That the Secretary of the Navy is hereby directed to procure or purchase a suitable site and erect thereon an armor-plate factory at a cost not to exceed $4,000,000: and to carry out the purposes of this provision the sum of $2,000,000 dollars is hereby appropriated and made immediately available, out of any money in the Treasury not otherwise appropriated. And in no case shall a contract be made for the construction of the hull of any vessel authorized by this act until a contract has been made for the armor of such vessel.

Mr. TILLMAN. I will state that in the event of the adoption of the previous amendment the last provision should go out. It would remain in, however, if the committee amendment as it is printed is retained by the Senate.

Mr. HALE. Mr. President, the committee in this amendment has sought to relieve the country from an embarrassment which it feels must be irksome to almost everybody. Right in the midst of our remarkable advance in the construction of naval ships, when we were producing the best naval craft in the world and were armoring the naval craft in the best manner, and were bringing out ships which were the wonder of the naval powers of the earth and a source of pride to the American people, we were at once arrested by the conflict that arose with reference to the cost of the armor plate which must be put upon war ships. The old navy had disappeared; unarmored ships were good for nothing; nobody was building them; if you had ships, you must have armor to make them battle ships. We had been going on and had been paying great prices for armor supplied to the Government, the first armor plant having been erected at the instance of the Government and patronized by it, and the second armor plant also at the instance of the Government and patronized by it, and the Government's armor contracts divided between the two, until at last it was found, in the course of doing this business, that instead of the two armor plants being competitors, with the Government having an advantage, as it had in the building of ships where there was actual competition and very close competition, the two armor plants put their heads together and dictated the prices; and a feeling of natural resentfulness came up with reference to it.

I had that feeling myself, Mr. President. I felt that the Government was being imposed upon; that it ought to get its armor cheaper, and that something should be done. An investigation at the instance of the Senator from New Hampshire [Mr. CHANDLER] was entered into, and it was found that we had been paying $604 a ton for 1887, $646 for 1893, $547 for 1896, $400 for 1899, $574 for 1890, $671 for 1893, $552 for 1898, $400 again for 1899, the average being something like $560 or $570 per ton. We had been getting good armor. The result of the investigation was that these manufacturers, taken by the throat, as I may say, brought to a consideration of the real question, came down, and they furnished armor for the ships of the 1897 class for $400, with a royalty of a half a cent a pound, making $412. That was the best known armor then, the Harvey armor, the armor that had been carbonized. I think if nothing had occurred to change the kind of armor, if improvements had not been made, we should probably have gone on in the ordinary way, appropriating for ships, buying armor at $400 and a royalty, and that not much question would have arisen as to an armor plant.

But naturally, Mr. President, as it was seen that when we had ships that needed armor these companies demanded higher prices, claiming that they had got a new patent, the Krupp process, and going up from $400 to $545, there was again this restiveness in Congress, a feeling that it was too much, that we were being imposed upon. All of us felt that way. Last year the Senate decided, although passing a large programme of new ships, that only $300 should be paid per ton, and the Department under that—at a later stage of the debate I will put in the letters showing it all—tried to get contracts at $300 and could not.

Mr. BACON. Will the Senator pardon me a moment if I ask him, in connection with his narration, to state the result of the investigation conducted by the Navy Department in the Fifty-fourth Congress?

Mr. HALE. The Senator from South Carolina [Mr. TILLMAN] will state that more fully.

Mr. BACON. I thought it would be right in line with the matter about which the Senator is giving information.

Mr. HALE. The general result was that the Secretary of the Navy recommended $400 as the price.

Mr. BACON. The point to which I wish to direct the Senator's statement is the result of the investigation which, the Senator will remember, was made by certain officers of the Navy, under the direction of the Secretary, as to what was the actual cost.

Mr. HALE. That varied.

Mr. BACON. My recollection is it was about $300.

Mr. HALE. The Secretary, in summing it up, reckoned that it would not be $300, but allowing for interest and plant and all that, recommended $400, for which armor was furnished for one set of ships.

Mr. TILLMAN. If the Senator would like it to go in, I can put it in right here.

Mr. HALE. No; I will let the Senator, for it will be more symmetrical, give it in what he is to say.

I am only going over this briefly to explain this provision of ours and why we put it in. Last year we adopted $300 per ton and got no bids. At the same time we authorized 3 battle ships, 3 cruisers, and some harbor-defense vessels. We had then behind another 3, the *Maine*, *Missouri*, and *Ohio*, first-class battle ships, with nothing done upon them.

Now, this winter, when the Naval Committee of the Senate met this question, it found that it had been impossible to get armor for $300. It found that there were behindhand 5 battle ships, 3 big cruisers, 1 or 2 other smaller vessels; and in addition to that the House had sent us a bill for 2 more battle ships, 3 big armored cruisers, and 3 or 4 protected cruisers, making in all 7 battle ships, 6 cruisers, and 4 protected cruisers, with no provision for armor.

Well, it was an intolerable position, Mr. President. It would make us the laughingstock of the world. Nothing could be brutum fulmen more than, without having armor, to provide for the construction of such a navy as that, for the ships of the three years that are behindhand make a great navy in themselves—7 battle ships, 6 great cruisers, and 4 protected cruisers. It is a greater fleet than will ever be seen together on the waters of the world at any place.

Mr. PLATT of Connecticut. Seventeen in all.

Mr. HALE. Seventeen modern ships, costing in all $80,000,000, the armor upon which would cost $35,000,000, and not a particle of provision for armor.

I will tell you, Mr. President, it made the Committee on Naval Affairs of the Senate sober when it came to consider the subject, and I for one felt and others felt like giving way on some of the things we never believed in. I have never believed in a Government armor plant, but I began to see that unless something was done to hold over the contracting firms who make the armor we would never get any armor, and the committee set itself to devise some plan that would compel good armor to be furnished at a reasonable price by the companies, or to construct a Government plant.

Now, the majority of the committee did and does feel to-day that if this thing can be done, just as ships have been built, by private enterprise, it is very much better than by Government enterprise. I do not belong to the school, the order, of political thought which thinks that everything should be paternal. I belong to the other school. We are apt to be governed too much. Anything that can be done by private enterprise is better done in that way than for the Government to do it. If the ships in our Navy, which have been such successes, had been built in Government yards, they would have cost 40 per cent more, it would have taken 50 per cent more time, and they would not have been as good ships by 30 per cent. We have stimulated and invited the activity and ingenuity of private builders all over the country, and we have got the ships. It is the same about armor. You can get better armor, you can get it quicker; you will have none of the scandals that appertain to governmental establishments that you would have if you turn it over to the Government; and the majority of the committee felt that way; but it also felt that it might come to the point where it would be obliged to have an armor plant.

Now, what have we done? We have looked over all the prices. The price for harveyized armor which we have paid is $400 per ton, and a half cent per pound, making eleven dollars and a half for the harveyized armor. As to the Krupp armor—and I am not going into the details about that—I am willing to accept the opinion of the world. It is being used by the world to-day. I think it is exaggerated. The extent of superiority that it has over the Harvey armor, I think, is put up. I think the price that these people ask is too much. They undoubtedly pay a royalty. They have to pay that. It is, I believe, a better armor than the harveyed armor—considerably better. But I think they have been making a profit on the Harvey armor. I am willing they should make a fair profit on the Krupp armor. I do not take into account the late experiments as affecting this question in the least. A capped shell will go through 14 inches of Harvey armor. It will go through 8 or 10 or 9 inches of Krupp armor, but we have got to have one or the other or else stop building.

Now, the committee, looking at the cost of harveyed armor that we had paid without protest; looking at the prices that we had paid, at an average of $575 per ton, in the early years of shipbuilding; looking at the price the companies demand of us, have cast this bill upon this scheme. It is not ours. I am bound to say it is the Vandiver amendment offered in the House, and on a point of order under their rules turned down. The moment I read it I saw the solution. I said, "It is a bright mind that has furnished that solution to this most vexed question which we ought to solve."

That is all there is of it, Mr. President. We said to these armor-plate manufacturers, "You may have these contracts, let by the Navy Department under all the regulations and safeguards that have been thrown about previous contracts, at not $545, which is not as much as we paid in our first essays at shipbuilding; not $412, which we paid for harveyed armor; but we will give you not your $140, $30 additional, but we will give you twenty-seven or twenty-eight dollars additional for your royalty, and if you will furnish this armor at $445 you shall have that privilege." The Secretary of the Navy has no power further than that. That is the language.

That in contracts for armor plate for any of the vessels above mentioned—

That is, all of them—

the Secretary of the Navy is authorized to procure armor of the best quality at an average rate not to exceed $445 per ton of 2,240 pounds, including royalties.

That is a long ton.

If, after due advertisement, the Secretary of the Navy should be unable to contract for such armor designated above, then and in that event the Secretary of the Navy is authorized to procure armor of the best quality for the battle ships *Maine*, *Ohio*, and *Missouri*—

That is the same. There is no question about that—

now awaiting armor, and to pay therefor not to exceed $545 per ton of 2,240 pounds—

Then afterwards:

Provided further, That if the Secretary of the Navy has found, after such advertisement, that armor plate of the best quality can not be purchased from private manufacturers of armor plate for $445 per ton of 2,240 pounds, then and in that event he is hereby directed to procure or purchase a suitable site and erect thereon an armor-plate factory at a cost not to exceed $4,000,000; and to carry out the purposes of this provision the sum of $2,000,000 is hereby appropriated.

Now, that is what this scheme is. If somebody asks me how I think it will work, I will only say that is conjecture. We have proved that the scheme of the Senator from South Carolina of $300 a ton will not do. There will be no bids at that. I think the result will be, if we take this proposition and pass it, that when these manufacturers see that if they do not take the $445 a ton an armor plant will be built, they will take it.

The committee considered what should be its point, and $445 seemed to be the reasonable point. It is a hundred and odd dollars less than they ask. It is $130 less than we formerly paid. It is the difference between $411 and $445, about thirty three or four dollars, more than what we paid for the harveyed armor. I will tell Senators plainly that is the wit of the project; that it will bring these men to terms.

If I thought, as the Senator from South Carolina does, that the only thing we ought to do in this case is to turn it over to a Government establishment and make our own armor, take all the risk of the cost and delay, I should not accept this proposition of $445. I would put in, as he does, $300, which will inevitably bring the armor plant, but I and the committee are not looking to that purpose. We would rather not build a Government armor plant. In the first place, you start a Government armor-plate factory, and under the best conditions you can not get a pound of armor produced under from two to three years; I am inclined to believe four or five. In the meantime, with the exception of the three, the *Maine*, the *Ohio*, and the *Missouri*, all this long line of great ships, added to what we will do next year, and the year after, and the year after that, is simply at a standstill.

Mr. PLATT of Connecticut. Fourteen now.

Mr. HALE. Fourteen now. I do not know when the time will come when we shall stop. We discussed in our committee whether under this condition it would not be better not to provide for any more ships. But the answer was if we did try that we would be beaten in the Senate, as we would. If we had stricken out this programme this year for these ships, with the feeling in the Senate and the feeling of the American people that you must have a great navy, we would have been beaten to death here, and you would have put them on.

Now, we have a project that we think brings out a solution and starts these manufacturers and starts the armor, and it will begin to be supplied within three months, and will go on from year to year. That is our project. In a few words, it is $445 per ton or an armor plant. We think we have been happy in fixing that limit. Senators who want an armor plant anyway will not vote for this. Some Senators perhaps who think that we ought to give the companies what they ask will not vote that way, and perhaps we will be ground between the upper and nether millstone, as a conservative proposition frequently is. It does not satisfy either side. It does not satisfy the armor-plant men. It does not satisfy the advocates of a Government plant. But it is intended to solve the matter and end it, so that it shall not vex us in the future.

I will not put in any papers which I have. I know the Senator from South Carolina, who is very earnest and very sincere in his view about this matter, desires to develop his side of the case, and I will take no further time of the Senate.

Mr. TELLER. I wish to ask the Senator a question, if he will permit me, before he concludes. The Senator said the committee did not think it was best to have a Government plant. I desire to ask the Senator if he has any idea of the amount of armor plate we are to have in the course, say, of the next ten or fifteen or twenty years; what the policy is going to be; and then I should like to have him state to us why he thinks it is cheaper to buy the plate, or is better—I do not know whether he thinks it is cheaper—from these corporations than it is to build a plant ourselves?

Mr. HALE. I think, as I said in the first place, there will be this delay, which is inevitable. It is all new. It is easy to say build an armor plant. It is not like a pair of shoes or a house or a cart or a bicycle. There is everything else connected with it. There are the ingots, the steel product, all of which are furnished now by these plants in connection one with the other. I do not think it is to be so greatly expensive as I thought it was at one time. I think it will cost all equipped, ready, not far from $4,000,000; three to four million dollars.

Now, I do not believe that with governmental methods, with governmental salaries—I am answering the Senator's question now—with governmental labor and yards and establishments, we can begin to manufacture so cheaply as private enterprise. The question is whether we can manufacture it for what they can make it for with their added profit. That is the main question, of course. I will say this about it: I have no idea we can manufacture a ton of this armor in the future at any time with Government methods, Government expenses, everything counted, for $445.

Mr. STEWART. Will the Senator allow me to ask him a question?

Mr. HALE. Yes.

Mr. STEWART. I should like to know if the Senator is of the opinion that these corporations have really taken advantage of the necessity of the Government to charge unreasonable prices?

Mr. HALE. I think they have. There is no doubt about it. I have no doubt about it.

Mr. STEWART. Then I would make a great sacrifice.

Mr. HALE. That has been brought out by the investigation.

Mr. STEWART. I would give them a lesson.

Mr. HALE. They have been getting enormous prices, and we cut them down. This $445 is $140 less than we paid year in and year out to these companies.

Mr. STEWART. I understood the Senator to say that the Government assisted both of them to start by patronage, etc., expecting competition?

Mr. HALE. The Government invited them to; I would not say assisted.

Mr. STEWART. I mean assisted by patronage.

Mr. HALE. Well, that is all they had. Senators must remember that these establishments for manufacturing armor do not manufacture anything else. They manufacture for the Government.

Mr. STEWART. The Government made contracts with them?

Mr. HALE. Certainly; and it was done at the suggestion of the Government; there is no doubt about that; and as soon as they got on their feet and understood their power and made their combination, they began to put the knife to us. But I do not want to legislate simply on that. I do not want to legislate lex talionis. It never was considered, either by nations or States or men, a good basis for legislation.

Mr. CHANDLER. May I ask the Senator a question right there? Is it really fair to say that it is lex talionis?

The PRESIDING OFFICER (Mr. PETTUS in the chair). The Senator from New Hampshire is out of order.

Mr. CHANDLER. Will the Senator from Maine yield to me?

Mr. HALE. I made that remark because the Senator from Nevada——

The PRESIDING OFFICER. The Senator from New Hampshire must address the Chair.

Mr. CHANDLER. The Senator addresses the Chair now. The Senator from Maine was speaking then.

Mr. HALE. I did address the Chair long ago.

The PRESIDING OFFICER. The Chair is referring to the Senator from New Hampshire.

Mr. CHANDLER. I am now waiting to see if the Senator from Maine will yield.

Mr. HALE. I yield, Mr. President, to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. CHANDLER. The question I wish to ask the Senator is whether it is fair to say that it is an application of the lex talionis simply to build a Government factory and make our own armor. Is that it?

Mr. HALE. In answer to the Senator from New Hampshire, I will say that I made that observation in reply to the remark of the Senator from Nevada. When I had said that these people had put the knife to us when they could, he said, "Very well, now." The idea was to put it to them, to punish them. That was it. Now, I say that is not a good basis for legislation.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Nevada?

Mr. HALE. Yes.

Mr. STEWART. Does the Senator think that the disposition of these corporations is likely to change and that they will not continue to put the knife to us as long as they have the power?

Mr. HALE. No; and that is the reason why the committee has held them right down to $445. We do not give them a particle of discretion.

Mr. BACON. Will the Senator permit me to interrupt him?

Mr. HALE. We hold them to that and say that if they do not

take that, we will build a Government plant; and if they do not do it, I am decidedly in favor of building it.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. I yield to the Senator.

Mr. BACON. I wish to ask the Senator a question right in this connection. The Senator previously stated that it has been demonstrated that we could not get any armor at $300. I understood the Senator to say that. Am I correct?

Mr. HALE. Yes; I think that is true.

Mr. BACON. I will premise the question I wish to ask the Senator with the statement that the present proposition is to offer an alternative, $445 for armor, to be paid to these manufacturers and, in the event of their refusal to furnish it at that, then the building of a plant by the Government. Now, the question I desire to ask the Senator is whether the demonstration which he said has heretofore been made that we could not get it at $300 was made with any accompaniment of such an alternative; whether, in other words, we have ever said to these manufacturers, "You must furnish it at $300, or we will manufacture it for ourselves."

Mr. HALE. No.

Mr. BACON. Is it not true that the proposition made to them to furnish it at $300 was not accompanied by anything of the kind?

Mr. HALE. So you might go down to $200 and $250. The committee——

Mr. BACON. But I understood the Senator to say we had demonstrated it, and I simply wished to suggest the idea that that demonstration can never be made in an effectual way until the same effort to demonstrate it is made at $300 that the Senator now proposes to make at $445.

Mr. HALE. There is nobody who believes that they will furnish it for $300. The $300 is put in, not with the expectation that it will be taken, but to compel the armor plants. That is the difference between the committee project and the project of the Senator from South Carolina. We do not expect that the offer of $300 will be taken.

Mr. BACON. I desire to say to the Senator that that is not the view I had of it. While, of course, I defer very perfectly, not only in part but altogether, to the very largely superior judgment and experience of the chairman of the committee, at the same time, having been present at these various discussions, I have formed an opinion myself, based largely upon the report of the naval officers to which I have previously referred, that this armor can be made at a profit at $300.

Mr. HALE. Mr. President, whether, after millions of dollars are put into a plant and a skilled force assembled and everything brought down with the ingenuity of modern mechanism, armor can be produced by the private establishments at a profit at $300 I do not know. The Senator can not get anything, he does not ride a bicycle, if he rides one, that he does not pay two to one for it. You can not get into a wagon or a cart, you can not buy a suit of clothes, where the element of profit is not large. You can not expect private establishments to furnish to the Government armor at a little profit or at no profit.

But I will not take any more time. I have only shown, I hope, so that Senators may see what this project is. The Senator from South Carolina has the counter project; and the Senate must settle it.

Mr. TILLMAN. Mr. President——

Mr. HARRIS. Before the Senator from South Carolina begins I think the Senate ought to be full, and I therefore suggest the lack of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Foster,	McBride,	Sewell,
Bacon,	Frye,	McCumber,	Simon,
Bard,	Gallinger,	McEnery,	Stewart,
Bate,	Gear,	Mallory,	Taliaferro,
Berry,	Hale,	Martin,	Teller,
Burrows,	Hanna,	Nelson,	Thurston,
Caffery,	Harris,	Penrose,	Tillman,
Chandler,	Hawley,	Perkins,	Turley,
Clark, Wyo.	Hoar,	Pettus,	Turner,
Clay,	Jones, Nev.	Platt, Conn.	Vest,
Cockrell,	Kean,	Pritchard,	Wellington.
Daniel,	Kyle,	Quarles,	
Fairbanks,	Lindsay,	Rawlins,	
Foraker,	Lodge,	Ross,	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum being present, the Senator from South Carolina will proceed.

Mr. TILLMAN. Mr. President, this matter has been discussed so long and so fully at every session of the Senate since I have been a member that I feel very much out of sorts with the idea of having to discuss it again, because most Senators are familiar with it; and but for the presence among us of some new members, who of course know little or nothing about it, I would not go into it at any extended length.

The Senate took up the question of the cost of armor under a resolution by the Senator from New Hampshire [Mr. CHANDLER] to investigate in 1896, and we had a thorough and exhaustive investigation of the whole subject. We made our report to the Senate, and on the strength of that report, in spite of the vast power and influence of the Appropriations Committee, which at that time controlled all appropriation bills and were committed to the support of the House bill appropriating $550 a ton for armor, we struck out that provision and limited the price to $300.

In the session which began in December, 1897, we did the same thing. In 1898, when the war came on, under the patriotic impulses which governed everyone and threw to the winds any consideration of economy in the completion of ships, we agreed to give the armor manufacturers $400 a ton for the armor necessary to complete the ships then on the stocks. Last winter we had the same question again before the Senate. The House then, as now, lent itself to advocating and urging excessive prices for armor, and, after a full discussion of the whole question, for the fourth time the Senate again limited the price for armor to $300 a ton, and prohibited the Secretary of the Navy from making any contracts for the ships ordered under the bill until he could get a contract for armor at $300 a ton.

The last naval appropriation bill carried with it the largest number of ships of the greatest power and size that we had ever ordered at any one time, the 3 battle ships, the *Georgia*, *New Jersey*, and *Pennsylvania*, which had been named, although they had not been contracted for, and the 3 armored cruisers, *California*, *Nebraska*, and *West Virginia*. These were 6 of the heaviest vessels ever ordered by this Government, involving a cost on each of about $5,000,000, or in all $30,000,000, and the armor for them has not been contracted for. Plans have been prepared and are now awaiting the order of Congress on the subject of armor. There were in that same bill 6 cruisers of the second class and 4 monitors for harbor defense, which were contracted for and are now being built. But by reason of the struggle on the part of the Senate to get armor at a fair price there are at this time 14 ships hung up, 8 of which are battle ships, 6 of which are armored cruisers of the first class and 6 cruisers of the second class, and 4 monitors, the last two requiring some of the heaviest and best armor. I say the list I have just enumerated is being hung up and delayed because of the determination of the armor-making concerns of this country to demand, to force upon the Government, a payment in excess of what we have time and again decided was fair and proper, based upon the reports of our own committees.

The PRESIDING OFFICER. The Senator will pause a moment. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. SPOONER. I ask unanimous consent that the unfinished business be temporarily laid aside pending the consideration of the naval appropriation bill.

The PRESIDING OFFICER. Without objection, it will be so ordered. The Senator from South Carolina will proceed.

Mr. TILLMAN. Senators will see that, including the vessels ordered in this bill, we have to-day enough ships which we have either now on the stocks or propose to build, and have appropriated the money for, to require 35,000 tons, or in that neighborhood, and at the prices which the armor trust proposes to make us pay this involves an expenditure of upward of $17,000,000. Taking the prices which we think would be fair and would give them a large profit, the difference between what they demand and what we believe to be right involves nearly $8,000,000.

Now, we have had this fight over and over again; and while we have said that $300 was enough to pay for the armor, we have always been in the unfortunate condition that we have had two or three or five ships ahead that were not completed, for which the armor had not been contracted, and we were appealed to when we came to consider the question, "Do not let us hang up the completion of these vessels; let us give the armor people what they demand, and then we will consider hereafter what we shall do about armor."

The effort to get an armor factory resulted, three years ago, in the appointment of a board of skilled officers by the Navy Department looking to an investigation and a report as to plans and specifications, the cost, location, and everything connected with its construction, and here is the book [exhibiting] with every single, solitary drawing necessary at that time, in the opinion of our engineers, to be put before those who would bid on the project, in order to have them bid intelligently, as to what they would construct an armor factory for.

But the Carnegie and Bethlehem people have been very cunning. They have always kept enough contracts ahead to keep them occupied fully, and waited, hoping that they could get around reducing their prices to a reasonable limit. They have now contracts with the Government which will keep them fully occupied up to the first or the middle of June, and at the same time we have 8 battle ships on the stocks that are ready for their armor and need it.

Now, what is my proposition as contradistinguished from that of the Naval Committee? And I will say that the committee is divided not on party lines, but in party proportions. There is one Republican who stands with us on this proposition, and there is one Democrat who stands with the majority. While this is not a party question, and I shall not discuss it from that standpoint, I want it understood that we are lined up here for the first time almost in opposition to each other. I am very sorry to see the Naval Committee fighting among themselves, because we usually reach such conclusions, when we agree, that the Senate agrees with us.

Mr. HALE. The Senator does not say that the Naval Committee is divided on party lines?

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. TILLMAN. No; I said the committee was not divided by party lines.

Mr. HALE. It is not by any means.

Mr. TILLMAN. I have not said that it is.

Mr. HALE. I thought the Senator gave that impression.

Mr. TILLMAN. No; I said we were not divided on party lines.

Mr. HALE. The Naval Committee does not divide in that way.

Mr. TILLMAN. The chairman of the committee, representing the majority of the committee, has pointed out that its policy is to have the Government advertise for bids, offering $445. My proposition is that we shall offer for bids at $300 for the armor that we may need until we get our factory. His proposition is that if we can make contracts for the 35,000 tons that we need at $445, we shall not build an armor factory for the Government. My proposition is that we shall build an armor factory for the Government, no matter what they may offer to furnish armor at. The only difference is that his committee is willing to give $145 a ton more for the armor than we believe would be just or right or honest, and not build a factory, and leave us at the end of the present contracts in the same condition we are now in—that is, of helplessness and at the mercy of their demands—while I propose to get out of the clutches of these people.

In the first place, Mr. President, to pursue the thought as to why an armor factory is a valuable thing for the Government to own right now, I will call attention to the fact that the capacity of the few armor factories now in this country has been taxed to their utmost for the last three years to supply the demands of the Government, and they have hardly kept pace. If we had continued to build the ships that we ordered, we would be so far behind in being able to obtain armor that there would be great delay.

Next, being at the mercy, by reason of the monopoly which they hold, they say to us, "You must pay us whatever we ask; and if you do not, you shall not build any ships;" and, owing to the length of time which it will take to build a factory, if we were at last to come to a point where we would say, "We will stand this no longer; we will build our own factory and make our own armor," then two years would elapse before we could begin.

If we had ordered the factory at the time when the board was instructed to gather this information, it would now be completed; but instead of doing that we have, since we constituted that board, paid them enough profit over and above what was reasonable and fair to have built two factories with the armor they have furnished us, and now we propose in this bill, if the committee's proposition shall go through, to pay them enough to build two more factories over and above what is a fair price, as will be proven by such witnesses as Hilary A. Herbert and John D. Long, the two Secretaries of the Navy who have had to deal with this subject.

Now, why should the Government own a factory of its own?

First, in order to have a lever by which it can press down or force these people to furnish armor at a decent and fair rate.

Second, because if, in the event of a great war with all of Europe combined or with England alone, it came to be a matter of life and death with this country to have a large navy, two or three times as strong as we now have—and you can all readily see how an emergency of that sort might come about at some time—we would have this factory of our own in reserve, whether we ever built one pound of armor in it or not, to fall back upon to assist these private concerns in turning out armor to help build and equip ships rapidly in case we needed them.

As the question of price is the main one here, I will take that up first. I will go back to the report sent to Congress by the naval committee which examined this subject in 1897. Mr. Herbert was Secretary of the Navy. Now, mind you, he sent naval experts to Europe—two of them—and he sent naval experts to the Carnegie factory and to the Bethlehem factory. The consensus of the reports of all his experts was to the effect that the material and labor entering into a ton of armor would average about $196 per ton. Taking this as a basis, the Secretary of the Navy, Mr. Herbert, made this calculation:

Labor and material, $196. He assumes that the plant costing $1,500,000 would need $150,000 per year for maintaining it, or $50 per ton upon 3,000 tons of armor, and adds to the price $50, making $246, or, in round numbers, $250. He then adds for profit 50 per cent, making $375, and then adds for nickel, to be furnished hereafter by the contractors, $20, making $395, and then give them $5 more for good measure, and makes it $400.

The Senator from New Hampshire [Mr. CHANDLER], with the natural thrift of a New Englander, did not like that kind of calculating, but still he was very liberal. This is his calculation, based upon practically the same data:

Cost of labor and material per ton, $168.
Add for reforging, $12.
Add for maintenance of plant, $30.
Thirty-three and one-third per cent profit, $70.
Making $280.
Add for nickel, $20.
Making the price for armor $300 per ton.

Now, Mr. President, if anyone will stop to consider for a moment what an armor factory is, he will know at once that the deterioration in such a plant is practically nothing. The forgings, the machinery, the very nature of the material and of the implements or machinery needed in it being of the very heaviest type, can not deteriorate to any great extent by use. There is a great deal more loss from doing nothing than there is from going on with work.

I read yesterday afternoon a statement from Secretary Long that, according to the very best information he could obtain through his Bureau of Ordnance, the cost of armor was about $300 a ton. That would mean without allowing anything for the interest on the money. This Government gets money for 3 per cent; and if we choose to add that as a part of the expenses of this investment, it would only amount on a $4,000,000 investment to $120,000; but I do not think that ought to cut any figure whatever in considering the necessity and advisability of our having a plant of our own.

I have already pointed out the controlling factors in my mind that compel us, unless we intend to be at the mercy of those people, to have such a plant and to become to that degree independent, that we may demonstrate in our own machine shops what armor will cost. Then, if private parties want to come forward and bid and get a part of the armor under contract to manufacture at anything approximating that price, and we need it, I should be perfectly willing to let them make it in private establishments, and let the armor factory of the Government stand idle if we wish to.

But when Senators tell us, as they do, that with the red tape in the Navy, the eight-hour law, and all the other limitations and obstructions to economical manufacture, you can not make armor in a Government factory as cheaply as you can buy it, my answer is, when I know that I am being robbed, or rather that I am paying an excessive price, when it has been demonstrated time and time again that there are inordinate profits in this business by reason of the monopoly; when I know, according to their own confession, that they are practically united and that they will not bid against each other; when I know, as was proved in our investigation, that the Bethlehem establishment at one time when they had no orders accepted a contract with the Russian Government to furnish them armor at $240 a ton, my patience becomes threadbare. When I go into a store and buy a thing without knowing its worth, simply paying the price that is asked, I am satisfied; but if a man steps up to me and says, "You must stand and deliver your pocketbook," every instinct of manhood in me revolts and resents any such proceeding. That is exactly the condition in which this Government now stands.

Those people say, "We have a monopoly; nobody else can build armor. There is not only a trust in the United States, but an international trust, so that all other governments pay just what you pay, and you can not help yourselves." I have the documents here and I have the evidence, and if the chairman of the committee, or anyone else, chooses to controvert the statements of fact I am now making as to the condition, I will take great pleasure in reading the testimony that was brought out in the committee to prove what I have asserted as being the condition and the situation. Here is one in regard to the amount of armor; and it is from Mr. Andrew Carnegie. He said:

If the Government would keep us in work, 6,000 tons a year, it would be a highly profitable business.

Mr. STEWART. At what price?

Mr. TILLMAN. At the price then being paid. He said if we would give them a large quantity, they could furnish it more cheaply. In another place Mr. Schwab, the manager of that

concern, made this statement—Mr. Schwab is the superintendent of the Carnegie works:

> Quantity and quality are the two essential things in fixing the price of any article. Quantity is, as I have pointed out to you, especially important. We have only made 2,000 tons per year, at the bare cost on 50 per cent higher tonnage. I am prepared to say that if you will give us 3,000 tons of armor per year, as estimated, we will give you a rebate of $50 per ton upon every ton over that quantity. If you will give us 3,500 tons of armor per year, we will give you a rebate of $100 per ton for every ton over that quantity.

So, according to their own confession, they have formed a combination and will not bid against each other. They divided the profits and they fixed the price, and we have to pay it.

In this connection I would remind Senators of a little lawsuit that was begun some time ago between Mr. Carnegie and his old friend, Mr. Frick, in which the complaint of Frick sets forth that on one hundred millions of capital, most of which had been the result of profits—because the original capital, I understand, was $25,000,000—but on one hundred millions they had a profit of $40,000,000. No wonder they can put up dividends like that, and that Mr. Carnegie can go to Scotland and buy baronies and game preserves and have steam yachts and all that kind of thing. It is a mere question as to whether it is the business of Congress to help him get those inordinate profits out of the pockets of our taxpayers.

There is another aspect of this case——

Mr. KYLE. Will the Senator allow me to ask him a question right there?

Mr. TILLMAN. With pleasure; and I will say I should like Senators around me to ask any questions they wish, because I am ready to answer any questions I know anything about, and if I do not know I will frankly tell them so.

Mr. KYLE. I will say to the Senator that I am in favor of the Government owning its own armor plant, but the question occurs to me whether it would be practicable to fix the price at $300 a ton, considering the advance in the price of labor and the price of iron. I understood that last year, or two years ago, the Government recommended $400 as the price to be paid these parties for armor.

Mr. TILLMAN. That was at 50 per cent profit, and then they put on about $20 for odds and ends.

Mr. KYLE. If $400 was a proper figure then, would $450 be a proper figure now?

Mr. TILLMAN. We denied that that was the proper figure; the Senate denied it by an emphatic vote, and we limited the price to $300.

Mr. KYLE. The Senator fixed the figures a year ago at $300?

Mr. TILLMAN. Yes, $300.

Mr. KYLE. What, then, would be a proper figure now, considering the advance in the price of material and labor?

Mr. TILLMAN. I will explain to the Senator that the raw product—the base of armor—is steel, or pig iron turned into Bessemer steel. That was then, which was eighteen months ago, about nine or ten dollars a ton. It is now worth about $17 or possibly $20 a ton.

There can be no appreciable difference in the cost of the armor from the rise in the price of material, for the reason that the material has not gone up enough to make any appreciable difference, and the rise in wages has not gone to any point which will enable the wage-earner to be benefited by this marvelous prosperity. There has been a slight increase of 5 or 10 per cent. I understand that the skilled labor that is necessary to manufacture armor is employed by the year, so to speak; and that it is paid the very highest price from the beginning; and that there has been no increase in their wages at all. Therefore there is no difference between the existing commercial status or business status and that of a year ago which should cause any difference in the price of armor between then and now.

Mr. KYLE. Not above ten or fifteen dollars a ton?

Mr. TILLMAN. Not above ten or fifteen dollars at any rate; it can not be considered.

Mr. President, we are told that you can not do anything in a Government shop as cheaply as you can have it done in a private shop. If that be true, why have you got the gun works down here at the navy-yard, where we are turning out the best ordnance in the world, and turning it out at a price below what we could buy it for, and where we have the best skilled machinists in the world and the best machinery? Why are we building our artillery for the Army at Watervliet and Watertown, N. Y.? Why do we not buy it all under contract? Here is a shining example of the fact that the Government can build. For building the Congressional Library the estimates were $5,000,000, and the building was completed and turned over to the Government for $5,000,000. It is not worth while for Senators to stand up here and put up the argument that you can not afford to have the Government do anything for itself because it will cost so much more money.

That argument can not come from a good many Senators here for the reason that if it did cost more money, that money would go to the labor employed; and there are certain Senators in this Chamber who, in season and out of season, are continually harping upon the theme of the protection of American labor. The additional cost involved would be that of labor and the additional labor necessary to make good the deficiency on account of the eight-hour law. If Senators are sincere in their expressions of love for the workingman, then there is nothing in the pretense that we should not do this thing in the Government shops for the reason that it would cost more, when that cost would go to pay the man who does the work and sweats over it.

The main contention that influenced me, however, Senators, is that we are being imposed upon by the two firms which we induced—I will not deny that we induced them to go into this business in 1890 or 1888, but we induced them to go into it with this understanding; and it has been proven time and again that we carried out the contract in good faith—that we would give them enough price in excess of what was the cost of making the armor on the first contract to pay for the additional plant necessary; and we have paid for both of the armor factories now in the United States in the first contract, and have continued ever since to give them the same contracts we started out with, or something like that. We have paid for their plants three or four times over, and still they stand here like the daughters of the horse-leech and demand "more, more, more," because we are at their mercy.

Mr. HARRIS. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Kansas?

Mr. TILLMAN. With pleasure.

Mr. HARRIS. I merely want to ask the Senator, before he leaves that branch of the subject, if one of the most vital considerations in favor of having a plant of our own is not the necessity for honest work? Has it not been shown by the investigations which have been made that the Government has been imposed upon in the character of the armor plate furnished to it; and should we not have governmental works for that reason, if not for anything else?

Mr. TILLMAN. I did not propose to touch that subject; but if Senators are curious, if these new members who have not been here long enough to get down to the crust of the thing want to examine the matter, they will find in the report of the House Committee on Naval Affairs in 1894, which was unanimously adopted by the House and sent here to be agreed to by the Senate, and which was buried in the committee here, that it was proven by the confession of Carnegie's own superintendent and the employees who were trusted by him in the manufacture of armor that he had put upon our vessels and foisted off on our Government at least 50 or 100 plates that were plugged up, that had blowholes and spongy places in them, and did not conform to the requirements of the contract. Here is the proof and the evidence of it. If any Senator wants to examine it, it is accessible. Of course I do not suppose we are getting any dishonest armor these days.

The only other point that I will discuss now, and I will do that very briefly, is the revelation——

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. TILLMAN. I do.

Mr. CHANDLER. I would ask the Senator if he would not prefer to have an audience of Senators when he speaks?

Mr. TILLMAN. I take it for granted one of two things must be true—that either those Senators who are not here are all going to vote with the Senator from New Hampshire and myself, and so do not want to hear any more upon the subject—and if they would indicate that I should very gladly stop—or else they have made up their minds that they are going to swallow this thing, it does not matter how nauseating it may be, simply because the committee have recommended it.

Mr. CHANDLER. Perhaps if the Senator would suspend, he might get his amendment adopted right away.

Mr. TILLMAN. There will be a yea-and-nay vote called on the adoption of the amendment, I will say to the Senator.

Mr. CHANDLER. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allison,	Elkins,	Hoar,	Perkins,
Bard,	Fairbanks,	Jones, Nev.	Pettus,
Bate,	Foraker,	Kean,	Platt, Conn.
Berry,	Foster,	Kyle,	Quarles,
Burrows,	Frye,	Lodge,	Ross,
Caffery,	Gallinger,	McEnery,	Simon,
Chandler,	Hale,	Mallory,	Teller,
Clark, Wyo.	Hanna,	Martin,	Thurston,
Clay,	Hansbrough,	Money,	Tillman,
Cockrell,	Harris,	Nelson,	Turley,
Daniel,	Hawley,	Penrose,	Wellington.

The PRESIDING OFFICER. On the roll call 44 Senators have answered to their names. A quorum is therefore present. The Senator from South Carolina will proceed.

Mr. TILLMAN. Mr. President, I beg to inform those Senators

who have just been called from more agreeable occupations that it was against my wish that they should be disturbed. They either have made up their minds on this subject or they do not want to hear anything about it, and I would not like to intrude on them. I am not complaining at all.

Mr. WELLINGTON. Will the Senator allow me for a moment?

Mr. TILLMAN. With pleasure.

Mr. WELLINGTON. I think the Senator is not entirely fair to some Senators here who are continuously called out on business by their constituents.

Mr. TILLMAN. I did not intend to reflect on any Senator. This is a free and easy body, and each man has a right to do as he pleases. I am not complaining that Senators do not listen to me. I did not bring them in; I did not ask to have it done, and I would have been glad if it had not been done.

Mr. WELLINGTON. The Senator intimates that it was necessarily one thing or the other.

Mr. TILLMAN. Well, then, I take back what I said. I do not want to reflect on any Senator who was unavoidably absent.

I stated a little while ago the fact that we had put up these plants and given them to these people in the original contracts. I will give Mr. Herbert's testimony on that point, and he has investigated it very fully:

Secretary HERBERT. The method by which I arrived at these results was as follows. This table shows—

I will say here that we asked these gentlemen to show us their books, to let us investigate by their own books and records as to the cost of this stuff, and we told them we would allow them whatever was shown to be the cost and a fair and liberal profit in addition, but they would not do it.

Here is what Mr. Herbert says:

The method by which I arrived at this result was as follows: This table shows the gross earnings and the net earnings. I got from the Navy and War Departments what the Government paid the company for gun steel and for armor. Those amounts showed, when compared with the amount of gross receipts, which represented the volume of all their business from all their plants, the relative sums that were paid by the Government and received from their commercial plant.

I allowed the stockholders, in the first place, 10 per cent on their original investment of $2,000,000, and 10 per cent on their new stock from the dates when investments were severally made, not taking into account the other million which appeared as a stock dividend, and then took the balance of net receipts, and these eliminated all the new stock. It paid them 10 per cent upon the original stock of the company as it was before it had Government work, eliminated their new stock after having paid till its extinguishment 22 per cent upon it, and then the remainder was more than enough to pay their indebtedness.

Senator TILLMAN. Enough for the Government to pay for the plant and give it to them?

Secretary HERBERT. The Government has, according to my estimates, paid for the plant, and they have the plant now; if these calculations are correct, and there is a large balance over.

That was six years ago. I said also a moment ago that these people did not pretend to compete with each other. Here is the testimony of Mr. Schwab, the superintendent of the Carnegie works:

Senator BLACKBURN. Is there any competition in the price of armor in this country as between yourselves and the Bethlehem Company?

Mr. SCHWAB. No, sir; assuredly not. We have always had an understanding in that matter. We never take a contract that we do not consult with Bethlehem about it.

Senator BLACKBURN. I asked if there is competition?

Mr. SCHWAB. No, sir; there is no competition. I want to be quite fair on that point.

And Senators who do not want to build an armor factory for the Government will continue this process of giving these people enough to build a new factory in this very contract which we are now about to let for 32,000 or 35,000 tons of armor. There is enough money involved of clear net profit over and above what we have demonstrated is a fair price to build two factories of the most approved kind and the best in the world.

I have only one other feature to discuss, and I will do that very briefly, and that is in reference to the recent disclosures as to the penetrability of Krupp armor. When I have demonstrated that point to the satisfaction of the Senate, that we had held off building ships and contracting for armor so that these people had to come down from $550, which they had been charging, to something inside of reason, they said that they could not take $400 a ton for the armor for the three battle ships which were then on the stocks. But they did take it. They wrote letters declaring that they could not afford to make the armor at that price; but they did come down and take it.

Since then, two years ago, the Krupp process has been discovered. It was exploited as a very extraordinary improvement in armor, although we have here the statements of Secretary Long and Admiral O'Neil before the Naval Committee eighteen months ago that at that time they did not believe it was of enough importance to cause us to delay making contracts for harveyized armor with the Bethlehem people at the price which we were willing to give when the war was coming on, at $400 a ton. But when they began to claim that Krupp armor was so much better, so much superior to Harvey armor, and we could not afford to have any but the best armor, these people went back to $445 a ton. I have never been satisfied in my own mind that there has not been some hocus-pocus by which this Government was sought to be cheated under the pretense that Krupp armor was better, when, in fact, it was not one whit better than the Harvey armor.

What do these penetrations of 9-inch armor by 6-inch shells show? If the Krupp armor is better, we do not know it. The shell penetrates both, it is true, and yesterday the Navy Department hurried off down to Indian Head with orders to put up a 14-inch harveyized plate, and they penetrated that, we are told in this morning's paper, with the same shell which penetrated the 9-inch Krupp; but they have not demonstrated that if a 14-inch Krupp plate were subjected to the same test it would not be penetrated, too. Have we not the testimony of the chairman of the Naval Committee that those shells would penetrate any armor that is made? What, then, is the difference between our buying Krupp armor and Harvey armor, if both are penetrable and neither will protect our battle ships? Then who is willing to pay the additional price of $545, over $100 more than what we think and what has been testified to here is a fair price, a reasonable price, for this Government to pay for armor that is no better than the other?

Senators will say in that event, Then why buy any armor? The chairman of the Naval Committee, if I do not misstate his position, is indifferent in some measure as to whether we build any more battle ships until the question of armor is settled. For my part I do not want to stop increasing the Navy. Whether Krupp armor is better than Harvey armor or not, either is as good as any other nation has, and I want a sufficiency of naval vessels of the best type to keep us abreast of our competitors.

I do not like to lug in the imperialism that my friend the Senator from New Hampshire brought in this morning, but with our new programme of contest which is on we shall certainly in the near future need a big navy, much larger than we have now. We have ordered the ships. The only question is what armor shall we put on and where is it to come from. I say I want the ships, and I am ready to do anything reasonable to get the armor to put on the ships, and I want good armor, but I do not want to have people stand up and tell me that Krupp armor is any better than Harvey armor when there is no proof to that effect.

Mr. ALLISON. I desire to ask the Senator whether or not this bill does not contemplate the use of Krupp armor exclusively?

Mr. TILLMAN. The bill is ambiguous to the point that it provides for the armor of the best manufacture.

Mr. CHANDLER. The best quality.

Mr. TILLMAN. The best quality. The question is, What is the best quality?

Mr. ALLISON. That settles that question.

Mr. HALE. Is not that the language which has been in the bill for years?

The PRESIDING OFFICER. The Senator from Maine must observe the rule.

Mr. HALE. Mr. President, I beg pardon.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maine.

Mr. TILLMAN. With pleasure.

Mr. HALE. I ask the Senator if that is not the language we have used in these bills for years?

Mr. TILLMAN. I think that is the language which has been used in these bills for years. That proves nothing other than that the Ordnance Bureau, which has this matter in charge, is supposed to make such tests as will prove to its satisfaction what is the best armor.

Mr. ALLISON. I desire to ask the Senator from South Carolina whether or not these tests, the very tests we have reported on here, do not disclose that Krupp armor of 9 inches in thickness is about equal to 14 inches of Harvey armor?

Mr. TILLMAN. It does not. It discloses nothing of the kind.

Mr. ALLISON. Then I misunderstood entirely the Senator from Maine this morning, the chairman of the committee.

Mr. TILLMAN. I do not want to cast any reflection on the Navy Department——

Mr. ALLISON. I certainly do not.

Mr. TILLMAN. And I do not want to appear in the attitude of charging collusion between the armor factories and the Ordnance Bureau, but I do not propose to take any such testimony as that as proving any such thing. In view of the haste with which this new test of shooting at a 14-inch Harvey plate with a 6-inch capped shell and penetrating it was rushed into the papers this morning, without it being accompanied by the statement that a 14-inch Krupp plate had been tested at the same time with the same gun, with the same charge, I say nothing has been proved.

Mr. HALE. Will the Senator from South Carolina yield to me?

Mr. TILLMAN. With pleasure.

Mr. HALE. The only significance which these late experiments about armor have is that the best projectile will pierce any armor. I want to say to the Senate that I look upon it as entirely demonstrated by the experiments made by the Navy Department and referred to in their reports, which I will have read later, that the Krupp armor has an impenetrability at least 25 per cent beyond the Harvey.

Mr. ALLISON. May I interrupt the Senator from South Carolina for a moment?

Mr. TILLMAN. Certainly.

Mr. ALLISON. I find in this document, which was laid upon our tables this morning, a statement of the Navy Department that certain projectiles have a muzzle energy of 46,246 foot-tons, "with the power to perforate (with capped projectiles) 19½ inches of harveyized or 15½ inches of Krupp armor." What does that mean?

Mr. TILLMAN. I suppose it means what it purports to say; but do you believe it?

Mr. ALLISON. Does not that disclose that the Krupp armor is better armor than the Harvey armor?

Mr. TILLMAN. Everything depends entirely on the way the tests were made, on the amount of powder and the quality of the powder, on the initial velocity, and all those things; and I say we have had no comparative test, side by side, on the same day, of these two armors which has demonstrated any such thing.

Mr. MONEY. Will the Senator from South Carolina permit me?

Mr. TILLMAN. Certainly.

Mr. MONEY. What becomes of the statement which has been sent to us officially by the Department that the test was made with the same initial velocity, the same foot-tons' energy, upon the two armor plates, one of 19½ and the other of 15½ inches, with the same result? Now, this is an official statement.

Mr. TILLMAN. When we recall the fact that a resolution was passed by the Senate calling for information in regard to tests of Krupp armor and the information was refused; when it was told to members of the Senate that they could not send us that report; when on the heels of that the substance of that report got into the papers this morning; when it was known that the shell—a 6-inch shell—had penetrated 9 inches of Krupp armor and had never been shot at anything thicker; when on the heels of that there was a rush down to Indian Head to test a 14-inch Harvey plate, which they have tested and tested and tested in the past and ought to have been satisfied about; when that appears in the papers this morning as a reason why the Krupp armor is better than the Harvey armor, I say I am allowed to have suspicions, and I have got them and I can not help it.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. I told the Senator the other day, when he was making a statement full of suspicion of everybody, that he must not ever come to the pass where he would refuse to eat his dinner because he was afraid his cook would poison him.

Mr. TILLMAN. The Senator is always making very wise statements, and that is one of the wittiest and wisest I have ever heard from him.

Mr. HALE. The Senator must not assume that that which is done in the ordinary course of a department is done for a covert purpose. The experiments which were made yesterday were made, I fancy, because I suggested to the Secretary that if there were any further experiments that he could make which would throw any light on the subject of armor plate and its penetrability, I wished that he would make them as soon as possible. Whatever was done yesterday was not done to establish any theory, to help the Senator or to help me, but it was done to bring light. It did not bring very much light.

Mr. TILLMAN. The Senator from Maine on the strength of it declares that 9 inches of Krupp is about equal to 14 inches of harveyed, without a scintilla of proof.

Mr. HALE. I have the reports of the Department, which I will put in before we get through, showing precisely that, showing that, so far as impenetrability goes, the Krupp armor is better than the Harvey armor by a large percentage, 25 per cent, but that neither is impenetrable. Now, before yesterday an 11-inch Harvey plate had been penetrated by a capped projectile as though it were pine wood.

Mr. PLATT of Connecticut. Some time ago.

Mr. HALE. And that not lately, time and time again. Anything that was done yesterday was only in demonstration of what could be done by the projectile.

If I may be allowed by the Senator, the infirmity in his position is that he is seeking to get advantage for his proposition of a Government armor-plate plant, because these experiments have shown that the Krupp armor can be pierced. It has nothing to do with it. I think the Senator must see that it has nothing to do with that. This piercing of Krupp armor is not a new thing. The Senator is not surprised at it?

Mr. TILLMAN. Will the Senator from Maine please tell me whether any 14-inch Krupp armor has ever been made or tested?

Mr. HALE. Fourteen-inch armor?

Mr. TILLMAN. Fourteen-inch Krupp armor.

Mr. HALE. Fourteen-inch armor is not put upon a ship by any power. It is only experimental.

Mr. TILLMAN. We have the *Indiana*, which is armored with 14 or 16 inch armor.

Mr. HALE. Harvey armor.

Mr. TILLMAN. But 16 inches.

Mr. MONEY. Will the Senator from South Carolina permit me?

Mr. TILLMAN. I will.

Mr. MONEY. The official statement is that the test was made upon 15½ inches of Krupp armor at a distance of 3,000 yards, with a muzzle energy of 46,246 foot-tons and an initial velocity of 2,800 foot-seconds, and at the same time the experiment was made with 19½ inches of harveyed armor with the same result.

Mr. CHANDLER. What was the result?

Mr. HALE. About 25 per cent difference.

Mr. CHANDLER. Where is the statement?

Mr. ALLISON. Page 2.

Mr. CHANDLER. I desire to address the Senate——

Mr. TILLMAN. They say so; that is theoretical.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. With pleasure.

Mr. CHANDLER. I was about to state what the Senator from South Carolina, I believe, intended to say, that most of these statements as to the strength of armor in these tables are calculations.

Mr. TILLMAN. This is a calculation pure and simple. It is not any experiment.

Mr. CHANDLER. They are calculations made from experiments which have been made. Take the tables on pages 15 and 16. Those tables probably have been made up from one or two or three actual experiments——

Mr. HALE. In Document No. 10.

Mr. CHANDLER. Yes; and the calculations are made from those. The statement on page 2 of Document No. 341, which the Senator from Iowa reads, does not say that these things have been done, and I do not believe they have been done. I think it is a calculation made from firing at a thinner plate. There is no statement there that a 19½-inch Harvey plate has been perforated or that a 15½-inch Krupp plate has been perforated at these distances. It is a calculation of the Department that by reason of tests made on other pieces of armor that would be the result.

Mr. ALLISON. May I interrupt the Senator from South Carolina for a moment simply to ask the Senator from New Hampshire a question?

Mr. TILLMAN. With pleasure.

Mr. ALLISON. Are these calculations of no value or are they considered of value by people who understand the question of tests?

Mr. CHANDLER. They are of some value, but it is always well to know whether it is a calculation made from a particular experiment or whether it is the result of an actual experiment. I say in this case it is a calculation made from experiments; and as the Senator from Iowa stated it to the Senate as if these tests had actually been made, I wanted to call attention to the fact that they undoubtedly had not been made. It is a calculation.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. TILLMAN. With pleasure.

Mr. HALE. If the Senator will examine this document——

Mr. CHANDLER. Which one?

Mr. HALE. Senate Document No. 10, on the armor question, and will begin at page 13, under the head "Superiority of armor made by the Krupp process," and will follow through what is stated there, he will find demonstration of the comparative superiority of the Krupp armor, not its impenetrability, I repeat, but its comparative superiority over any other armor.

Mr. TILLMAN. Mr. President, I have very little more to say. The point with me is that it is not going to cost this Government anything that is worthy of consideration if we spend $4,000,000 to get an armor factory and settle this question. The very fact that a great many of us feel and believe—and a majority of the Senate from their votes in the past so feel—that the Government has been imposed upon; that these people were unreasonable, and that after we have paid for their plants and given them to them and paid for them again and given them to them they still continue to demand of us these high prices, ought to appeal to every Senator to relieve this Government from any such condition of helplessness to be imposed upon.

We are investing money by the million here and there and everywhere else in fortifications; we are laying up stores, munitions of war, powder and shells, and building artillery, and all that kind of thing, costing in the millions. Why is this proposition to have an armor factory to demonstrate whether or not the Government can make its own armor cheaper than it is buying it, fought so bitterly? Why is the effort to get this Government out from under the clutches of these two factories fought so desperately? What is there behind it all? Why are we called on here,

year after year, to fight over this same old matter and not settle it once for all, at least to the point of determining in the future intelligently in our own factory what the real cost of armor is and, at the same time, have a laboratory where we can test and improve and experiment, at whatever cost may be necessary, to get the very best armor possible—something that will be better than Krupp.

Mr. HALE. I will tell you why it is being fought. It is because honest men in the Senate——

Mr. TILLMAN. I am not imputing any dishonesty to any Senator in his vote. I believe Senators are going to vote with the committee because of their respect for the committee, without having investigated the matter or caring anything about it, or else they are going to vote honestly; and, thank God, hitherto we have always had enough on our side to win out.

Mr. HALE. The Senator must not surcharge his atmosphere too much with suspicion. I was going to give the reason why it is fought. It is because honest men in the Senate believe that this introduction of the feature of paternalism, of the Government doing everything and owning everything and working everything, will be a dangerous thing in the Navy Department; that there should be no such departure; and we think that we have got here a bill that gives a fair price and a fair profit and good armor to the Government without its resorting to the dangerous experiment of an armor plant of its own. That is the reason.

Mr. TILLMAN. Will the Senator allow me right here?

Mr. HALE. Yes.

Mr. TILLMAN. How long will it be, if the armor factories accept this proposition of $445 a ton, after having almost sworn that they could not afford to do it, as they did when they came to the $400 limit on Harvey armor, before some other hocus-pocus, some new pattern, somebody else's armor will be brought forward as an excuse for raising the price back to its present rates?

Mr. HALE. Never, Mr. President.

Mr. TILLMAN. Ah!

Mr. HALE. Never. When it is seen how successful has been this effort to restrain and control these corporations, and that they have been obliged to come to our terms and to furnish armor at reasonable rates, never again will they dare set up rebellion. If they do, we will give them an armor plant.

Mr. TILLMAN. Oh, yes; the same old fight will come along. Here is another aspect of this case. In the event of a war involving the very life of this Republic, or at least entailing upon it the necessity of exerting all its great energies, where would you be if these people are left simply to their own greed and you had nothing to fall back upon?

Mr. HALE. You can provide beforehand for war. You can get your establishment. You can never get your navy. You can not in case of war, with or without an armor plant, improvise a navy. That is different from an army. You can summon men, you can provide for the order and array of regiments, and can have an immense force in a short time, but it makes no difference in war whether you have or do not have an armor plant—not the least.

Mr. TILLMAN. Does the Senator acknowledge that there might not arise a contingency where this Government would be at war for six or eight years and have to exert itself to its utmost, like a giant, to prepare to overthrow its enemy?

Mr. HALE. There has not been a modern war that lasted six or seven or eight years, and there never will be. It will be a question of the preparedness of the nation at the moment when war is declared and the clash of arms comes. There will never be a war of years and years duration. It will all be settled sharp and quick.

Mr. TILLMAN. That might apply as between nations on the Continent of Europe, where they can get at each other's throat, but look at us, isolated here, occupying this continent, so to speak, and with the ocean between us. Suppose a struggle were to come for the mastery of the world, and some Senators dream of having such a struggle in the near future. I do not hope so; I hope to God no such struggle will come; but I say I see whither the policy inaugurated will lead; and what condition will you be in when such a struggle arises to enlarge your Navy so as to equal that of any other nation? What is $4,000,000 to the people of the United States to get out of the clutches of a monopoly?

The Senator talks to us about paternalism. Is it paternalism for the Government to manufacture its own guns at the navy-yard here?

Mr. HALE. We only finish them.

Mr. TILLMAN. Well, Mr. President, let us finish the battle ships.

Mr. HALE. We have never, and it has been good policy, undertaken to lay the foundation and to build the guns from the bottom. We have left that, as we have the building of ships, to private enterprise. The Senator, with his line of thought and education, does not seem to realize the tremendous force of the Government encouraging private establishments to do everything. It is what has built up the Navy. It is what has built up these establishments. It has built up everything. It is private establishments.

Mr. TILLMAN. It is nothing but another form, so to speak, of the subsidy that is proposed now to restore our merchant marine. We are proposed to be milked. The Government cow must be milked for the favored few. The corporations that are already multi-millionaires must be allowed to suck the sweet milk of taxes, while the people are told it is paternalism.

Mr. HALE. The great establishments in this country which, to the wonder of the world, have been builded up in the last ten years are none of them millionaire establishments.

Mr. TILLMAN. Carnegie, one of the favorites of this combination, as I have just pointed out—I do not think the Senator was in the Chamber—in his little lawsuit with Mr. Frick, disclosed the fact that with a hundred million dollars capital they had $40,000,000 of something to divide. I do not know whether it was swag or not. Somebody had been held up and made to yield exorbitant profits to the millionaires.

Mr. HALE. I do not know why the Senator has gone outside into other questions; but so far as Mr. Carnegie and his establishment go, the armor-producing plant of the Carnegie establishment is a bagatelle.

Mr. TILLMAN. Then it is a bagatelle to the United States, certainly.

Mr. HALE. It is nothing; it is simply a development in one branch of a great industry. What we are seeking to do, what I believe in doing, and what the Senate some time or other has to assert itself on very squarely, if it has not already, is a tendency toward paternalism in everything, that the Government shall reach out, shall absorb, shall control, shall manufacture, and do everything that ought to be done by private enterprise.

Mr. TILLMAN. Why is the Senator discriminating as to these things? You have got the Government Printing Office here. You do not hire your printing done outside, although you know you could have it done more cheaply outside.

Mr. HALE. I have had some experience on that committee. I have been chairman of the Committee on Printing. It costs the Government to-day 50 per cent more——

Mr. TILLMAN. The Senator knows why.

Mr. HALE. To do its printing than it would if it were done by contract.

Mr. TILLMAN. I said the Senator knows why. Why do you not change that?

Mr. HALE. Why do we not change it? We can not change it. If the Senator ever got his armor plant, you never would change it.

Mr. TILLMAN. You mean we never could go back to Carnegie and Bethlehem?

Mr. HALE. Never.

Mr. TILLMAN. Thank God if we never did. I would be willing for the laborers to reap the additional profits instead of the Bethlehem and the Carnegie company heaping up their millions.

Mr. HALE. Every experiment made of the Government embarking in an enterprise that is in the fair field of private industry shows but one unerring result—additional cost.

Mr. PERKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from California?

Mr. TILLMAN. I do.

Mr. PERKINS. Mr. President, I admire the zeal and the motive which have impelled my friend the Senator from South Carolina to take the position he has in relation to the Government erecting an armor plant of its own. I have been upon the committee that has had this subject-matter under consideration for many days and many weeks, and we have all been on the same line of thought, but have arrived at different conclusions.

If I could believe with my friend that it is practicable for the Government to build an armor-plate plant and manufacture this armor plate for the figures he named, or 10 or 20 per cent more, I should not hesitate for one moment to unite my vote with his own for his proposed amendment. But the testimony before your committee, which was not controverted, was that there is not one of these manufacturers engaged in the manufacture of armor plate where it is not a mere incident to their other general business.

If the Government establishes its armor-plate factory, it must then go to the mines for the iron ore, it must bring it to its furnaces, must smelt it, must run it into pig iron, and then the pig iron must be run into ingots of steel by the Bessemer or some other process. It was shown to your committee that from every ingot of steel, when it has come out of the furnace and is ready for the test, 10 per cent is taken off each end, not suitable to go into an armor plate. Your committee believed, after considering all these facts, that it would cost the Government to manufacture armor plate a larger sum than $445 per ton, when you consider the royalty, when you consider the cost of the nickel that is placed in it for harveyizing and other processes.

I do not share with my friend the Senator from Maine the fear

of a paternal form of government. All source of power is lodged in the people, and the people will correct any wrong. I will join hands with my friend the Senator from South Carolina in enacting a law that will enable us to build a cruiser, a battle ship of the line, or some other vessel of war in each navy-yard of the United States to-day. That is a practical question that we can take hold of and handle, but this armor-plate question is a different proposition.

Mr. TILLMAN. Mr. President——

Mr. PERKINS. In one moment. I agree with the Senator from Maine that this amendment, which was not, as he has frankly stated, the creation of the committee in the Senate, but was offered in the other branch of Congress by the minority who had favored the establishment of an armor-plate factory, was adroitly drawn. It is a wise measure, and I am in favor of it, because it says to these monopolies (and the question has been well asked, What is stronger than a million dollars except two million dollars?) "We will make your plant worthless if you do not accept what is a fair price for armor plate."

Now, in brief, these are the motives that influenced me in voting with the majority of the committee.

Mr. TILLMAN. Mr. President, the Senator has put into my speech (although I was about through, but I had not quite summed up) a very nice little speech of his own that really contradicts itself.

Mr. PERKINS. Then it brings out my friend's own speech.

Mr. TILLMAN. How can the Senator explain to his constituents that it is a proper thing for the Government to build a navy-yard and equip it and employ mechanics and construct an entire vessel when it is not the proper thing for the Government to build an armor-plate factory, to employ mechanics, and construct the armor to go on that vessel?

Mr. PERKINS. Several very excellent answers suggest themselves to me in reply to my friend. The first proposition is that we have the navy-yards, we have the machine shops, and we have all the appliances for building vessels in the respective navy-yards; but the manufacture of armor plate is a special business in itself. There is, aside from the trade secrets, a patent which this Government does not own and royalties to be paid for its use.

Mr. TILLMAN. Right there let me say that the Senator is in error. There is not a patent on the Krupp process, and there is no royalty to be paid on it. We have Mr. O'Neil's testimony to show it.

Mr. QUARLES. Is that the case with the harveyed armor?

Mr. TILLMAN. It is the case with the harveyed armor also.

Mr. PERKINS. The Schneider Company, of southern France, claim that they have a patent upon the harveyized process. The Armstrong Company and the Krupp Company claim that any manufacture of their armor plate by what is known as the Krupp process is an infringement upon their right. We all know that if the Government uses any particular process or trade secret, we shall have a claim here against this Government for it.

But I want to answer the Senator further to show why I am not inconsistent in advocating the building of vessels in our navy-yards. We have there all the appliances for building vessels. I am not in favor of manufacturing armor plate in a factory erected and owned by the Government. It was in evidence before your committee that one of these great manufacturing companies purchased a trip hammer that cost a half a million dollars, and they found it impracticable, and it was abandoned and thrown away.

Mr. TILLMAN. The United States in buying armor have paid for that hammer ten times.

Mr. PERKINS. I want my friend to follow on this same line of thought. While I have asked him a long question, perhaps, I want him to demonstrate (and if he will do it to my satisfaction, he will have my vote) that the Government can erect an armor-plate factory and can manufacture armor even at 10 per cent more than what is proposed to be paid in this bill. I do not believe that any private company could start a new armor factory with only one customer, the Government of the United States, and manufacture it at $445, the figure which your Committee on Naval Affairs have agreed to recommend shall be paid.

Mr. TILLMAN. I will answer that right now by quoting in Senate Document No. 127, second session Fifty-fifth Congress, from an examination before the Naval Committee of the Secretary of the Navy. The chairman asked the Secretary the following question:

> Have you, from your examination of the question or from the report of the board which you appointed on Government plant, any views that you care to express to the committee as to the cost to the Government of such armor plate as this, compared with the $400 per ton for which you think you could make a contract with the companies?
>
> Senator MCMILLAN. Do you mean by that the cost of making the armor plate by the Government plant?
>
> The CHAIRMAN. Yes, sir.
>
> Secretary LONG. I can only say at second hand what has been suggested to me by the Chief of the Bureau of Ordnance. He has made some inquiries, and if I do not quote him correctly he will inform me

Admiral O'Neil was sitting there.

> I think he finds that if the Government should establish this plant, as recommended, it would make armor plate for something less than $300 a ton.

Here is a report of the board with all the plans and specifications and the estimate of cost, and the estimate of cost is less than $3,000,000.

Mr. GALLINGER. Mr. President, my attention was attracted by the statement made by the Senator from South Carolina that there were no patents on either the Harvey or the Krupp method of manufacturing armor plate. Is the Senator quite positive on that point?

Mr. TILLMAN. I think this same document here from the Department states——

Mr. GALLINGER. If the Senator will allow me, of course, in the first place, I disclaim any personal knowledge about the matter at all; but a letter a came into my hands a little time ago, written from Carlsbad, November 22, 1899, from which I want to read a paragraph:

> The Krupp invention is part patented and part secret. It is owned for the world (except Germany, where it is owned by Krupp) by the Harvey Continental Steel Company, Limited (an English corporation). That company has licensed all the principal armor manufacturers of Europe, and has also licensed the Carnegie and Bethlehem companies in the United States. If the United States Government wants Krupp plates, they, of course, can get them of the Carnegie and Bethlehem companies, but obviously not at the price of Harvey plates, because, first, Krupp plates are much more expensive to manufacture and, second, the licensees have to pay a considerable royalty per ton for the right to manufacture.

I will say to the Senator, while I do not care to give this gentleman's name, that he has a very intimate knowledge of the manufacture of armor plates.

Mr. TILLMAN. In that regard I quote here a statement from Captain O'Neil before the Naval Committee, made at the time I have just mentioned, November, 1898.

It—

The Krupp process—

> is not patented, and is simply a secret. Mr. Krupp's conditions were that it should be held a secret. They do not think they will be able to manufacture this armor yet.

He means by "they" the Bethlehem and Carnegie companies.

> They have sent their men abroad and brought them back, and are making experiments now with a view of submitting some plates.

In another place, on which I can not put my hand, because these reports come in so multitudinously it is very difficult for a man to keep up with them, Mr. O'Neil states that it is not a patented process or a secret process, and that if it were the Government could get it at very little cost, and that it therefore has no bar to our using it in case we find it is better. I deny that it is any better than our armor.

Mr. CHANDLER. Will the Senator allow me to make a statement in connection with the question which my colleague asked?

Mr. TILLMAN. Certainly.

Mr. CHANDLER. There is no doubt at all that in connection with the Krupp process the companies possessing that trade secret, as they call it, for which they ask these royalties, have acquired the Harvey patent. The Harvey patent was in litigation in this country. There is grave doubt about whether they are sound patents, but such as they are they have been acquired by the companies that own the Krupp process. I think that the Chief of the Bureau of Ordnance believes that we could have an armor plant and manufacture armor ourselves without infringing upon any existing patents.

Mr. STEWART. Mr. President, we would spend a large amount of money if a foreign power undertook to have control of the construction of our ships. We should be absolutely free to construct ships as we choose and not let the veto power be in private corporation. It is a very important matter. We are liable to have foreign wars and we will need a good many ships. If armor plate is an essential and a corporation has the control of the manufacture, and has shown bad faith already, and it holds that over the Government of the United States, I think the first thing we should do is to spend enough money to break that corner, as it is sometimes called, or that Gordian knot. Whether we ever manufacture any armor or not at our own factory, we do not want to be building a navy with a rod held over us by an unscrupulous corporation.

It appears to be the concurrent opinion on all hands that they have acted very badly. In the case of an emergency we must have armor. Every year we are making provision by law for the construction of more vessels and the demand for armor is increasing. It will take time to build this factory. It might have been built now if on the first appearance of this robbery, when they first held the Government by the throat, we had commenced to build the factory. It will take years to do it. The fact that we have no such plant is held over us now, and if you do not let us go on with it, it will take years to place us in an independent position. I want to be independent in what we do. I do not care what you pay them now, but let us have an end of it, and there is no way to put an end to it except to build a factory.

There ought not to be any "ifs" in this bill. This amendment

should not make the building of the factory contingent upon the private establishments supplying armor temporarily at $400 a ton. I would be willing to pay them anything until we get through with them, just as you pay a robber to get him away, but you do not want to put yourself under obligations to him. When you pay him a bounty, you want him to take his pistol down and go off. I want them to take the pistol down. I do not want them to hold their pistol over us. I would not have any "ifs" in the provision. I would make the appropriation, and I would pay them now whatever I thought was absolutely necessary in order to get along. I would submit to the robbery now, but I would commence immediately to free the Government from it. I think it is a shame. The building of our Navy has been greatly delayed, and this question has come up every year for the last three or four years. I think it is time that we put an end to it. If it is true, as is admitted by their best friends, that they have the Government by the throat and intend to make the most of it and to ask unreasonable prices, there is no way to get along with this monopoly except to build an establishment.

With the four millions that we have spent for armor we could have established a plant of our own. But let us pay them off and then we shall know whether we can ever have a navy or not. I am glad to believe, though my belief is not worth much, that armor plate will in some near day in the future be discarded altogether.

Mr. TELLER. What will take its place?

Mr. STEWART. Fast ships, high speed, and effective guns. I believe they are worth more than armor. As far as I can observe, in the recent war speed was the great factor. I believe the *Oregon* in the battle of Santiago would have been worth very little if it had not had great speed. In every contest you find great speed a very important element. The heavy armored battle ships can not have the same speed that lighter vessels have. If we had had at Santiago nothing but wooden vessels with superior guns and great speed we could have handled that situation very easily. They hit our ships very few times, comparatively, because they could not come up to them. When they are cruising around along the coast here the question of speed is the final one. The highest speed and the best guns, I think, are going to be the leading necessity.

But it is assumed now that armor plate is a necessity. That may be true, and that may continue to be the case. But assuming that armor plate is a necessity, and that that is the consensus of opinion and we must have it, I do not want to be dependent upon a corporation whose friends admit that they are extortionists and that they are making unreasonable charges when they have the power to do it. I do not want the Government to be at their mercy.

We have now got all these ships, and since we have had this question before us the necessities for the Navy have been increasing every year. If we had spent $4,000,000 for an armor factory three years ago, we would have had a plant of our own now, and we would have been independent of all of them; we could build a navy as we desired, and if armor plate is a necessity we would not have been tied down to these concerns. I want to break the cord.

Mr. TILLMAN. I will call the attention of the Senator from Nevada to the assertion of the Senator from Maine, that if we yield to these people now and do not build an armor factory we will be out of their clutches.

Mr. STEWART. We will be in their clutches.

Mr. TILLMAN. That is what I contend, but the Senator from Maine asserted the contrary, and I think he proved it to his own satisfaction that they will not dare any more to bother us.

Mr. STEWART. Is that the way to get your head out of the lion's mouth?

Mr. TILLMAN. That is the way the Senator asserts.

Mr. STEWART. Just to put your head in a little farther to get it out, that you will make them sick of it! No; you can not deal in that way with an insatiate and extortionate corporation that has got in the habit of doing those things. There is no use of putting your head in the lion's mouth any farther. We have got it in far enough now, and if we can get it out on any terms, let us get it out. Let us quit on any terms we can and not attempt to conciliate a corporation that has a disposition to rob the Government. Let us not treat it as an enemy that we dare not fight. If we can not fight this corporation, we had better not try to build a navy to fight the world if necessary. We had better not try to protect this country if we can not protect the Government against these corporations.

The first thing we want to do is to make this appropriation and secure the freedom of the Government. The whole country is looking at this thing. The best friends—I do not mean the friends, but those who are apologizing for the corporations and those who want to get along without building an establishment by the Government—admit the fact that they are unreasonable and extortionate in their demands. That being the case, let us get out of these armor contracts and let the country be free from them. I shall vote for the proposition of the Senator from South Carolina, leaving any "if" out of the provision.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from South Carolina to the amendment of the committee.

Mr. PERKINS. Mr. President, only one word. I wish to congratulate my friend from Nevada that he has come over and joined those of us who are against trusts, and combinations, and corporations. Although it is even at the last hour, we are glad to have him come in. There used to be a hymn that I read when a boy:

> While the lamp holds out to burn
> The vilest sinner may return.

Therefore I most cordially welcome my friend, and I am glad to have him come in.

Mr. STEWART. I hope the Senator will welcome me to none of his trusts. I am in none of them. Is the Senator entirely free from trusts himself?

Mr. PERKINS. I am willing to trust in the Lord. [Laughter.]

Mr. STEWART. And to keep plenty of fuel in your steamships.

Mr. PERKINS. Mr. President, the simple question is, Can the Government build this factory and manufacture armor plate at the figure your Committee on Naval Affairs has fixed at which the private establishment must furnish it or we will build a factory?

Mr. STEWART. I beg your pardon, that is not the question at all.

Mr. PERKINS. Then I am off——

Mr. STEWART. The question with me is, Shall we have a right to build a navy without having trusts upon our backs?

Mr. PERKINS. Mr. President, we have made some effort toward building a navy and the Navy is speaking for itself. It is covered with glory. Its history is a part of the brightest annals of the nineteenth century.

Mr. STEWART. I am glad the Navy is speaking for itself.

Mr. PERKINS. Now, I wish to reply on the royalty question and to refer to Senate Document No. 10. The Senator from New Hampshire says there is no royalty. If he will examine the views of the Treasury Department he will find that we have been paying $11.20 per ton royalty for the harveyized steel.

Mr. HALE. Half a cent a pound.

Mr. PERKINS. Or a half a cent a pound.

Mr. CHANDLER. Did the Senator refer to me?

Mr. PERKINS. I understood you to say so.

Mr. CHANDLER. I did not say, in the first place, that there was no royalty. I said there was a Harvey patent, and that the Harvey patent had been acquired by the confederated armor-plate makers. I then said that the Harvey patent was contested, and that I believed it to be void, and that the Navy Department believed that they could go on with an armor-plate factory and make Krupp armor without being embarrassed by any patent.

Mr. PERKINS. Notwithstanding that——

Mr. STEWART. All the great manufacturing concerns in the United States——

The PRESIDENT pro tempore. The Senator from California has the floor.

Mr. PERKINS. Notwithstanding this fact, our Government is paying one-half cent a pound royalty for harveyized armor plate. This letter from the Carnegie Steel Company, Limited, also makes a statement in relation to the Krupp royalty. I do not think they want any defenders, judging from their annual statement, which our friend from South Carolina has read.

Mr. TILLMAN. Right there, if the Senator will permit me——

Mr. PERKINS. I think they can look after their own interests. It is the Government's interests that I am trying to look after, with my friend from Nevada, at this time. In relation to the royalty they state as follows:

> We also desire to reiterate our statement that we prefer to manufacture ordinary face-hardened armor at a net price of $400 per ton than Krupp armor at the price given above.
>
> It is not specially desired that the Bureau pay the royalty on armor manufactured by this process, as in the case of ordinary face-hardened armor, the verbal proposition only being made as an alternative one; that is to say, we would accept a price of $500 per ton, provided the Bureau would assume the royalty, as in the case of the armor we are manufacturing for $400 per ton.

It would seem by this that the Navy Department has recognized that the Krupp Company or their representatives in this country have a patent or a trade secret which we can not use or which is not available for our use unless we pay a certain royalty. Now, if we erect an armor factory it would be entirely discretionary with them whether they gave us the right to use this trade secret, this patent, if you please to call it so, without exacting from us a royalty upon every pound of armor plate that we manufactured.

Mr. TILLMAN. Mr. President——

Mr. PERKINS. That is one of the things that should go into a consideration of these questions, and it is one which was considered

by your committee in arriving at the conclusion they have reached in their recommendation to the Senate.

Mr. STEWART obtained the floor.

Mr. TILLMAN. If the Senator will allow me, I will just show the proof in regard to the trade matter, and then I will sit down.

Mr. STEWART. All right.

Mr. TILLMAN. Before the Naval Committee of the Senate, Admiral O'Neil states—this is in Senate Document 127——

If we once have the place to make armor the inventors will be only too glad to give us the secret. If we did not allow them to make our armor they would be glad to let us have it.

Mr. PERKINS. Mr. President, only one word in reply to that. One year ago our Government was using what was known as the patent of Gregory Gerdom for a gas check for cannon——

Mr. STEWART. I did not give way for a long argument.

Mr. PERKINS. Mr. President, this is in answer to the Senator from South Carolina. I had the floor and yielded to my friend.

Mr. STEWART. No, I did not yield to the Senator.

The PRESIDENT pro tempore. Does the Senator from Nevada decline to yield?

Mr. PERKINS. Will the Senator yield one moment for this statement?

Mr. STEWART. I will yield for one sentence now.

Mr. PERKINS. We then used that patent and said we would pay nothing. Last year they came to your Committee on Fortifications and Ordnance and said: "You can have the exclusive right for the United States to the use of this for $22,000." We then placed a provision to that effect in the bill, but the committee of conference between the two Houses struck it out. This year they came before the committee of the House and said that the royalty which was due them upon the patent which they had would amount to over $65,000, without any exclusive use of it in the United States. The result was that the committee finally agreed to give them $50,000 for royalty upon that device, and that bill has passed both Houses.

So it would be in this case; and a similar thing would happen to this Government if we used either the harveyized patent or the Krupp patent; and we should have to pay perhaps millions of dollars for it before we got through.

Mr. STEWART. The Senator undertakes to prove that the United States can not defend itself against this monopoly by competition. I have always claimed that the remedy for trusts was competition; and in my speech the other day on trusts I pointed out that in times of prosperity, when there is plenty of money, you can have competition.

Mr. PERKINS. I agree with the Senator.

Mr. STEWART. You can have competition then; but when you say that we can break up these trusts by giving them more money, or that you can break up a trust by showing that it has got you in its power, you admit the trust is omnipotent and that the Government can not fight it. It seems like running away from fighting the trusts as a rabbit runs before a hound.

It is said that if we attempt to fight this trust there will be a little patent here and a little patent there, little cobwebs. If the Government establishes a plant of its own, it will control the price and be able to build a navy; but so long as it depends upon this extortionate corporation, which has shown its bad faith, so long you will have no navy. We need a navy; and, as I said before, if armor plate is necessary for a navy, it is necessary for us to throttle this trust or have no navy.

Mr. MONEY. Mr. President, I understood the distinguished Senator, the chairman of the Committee on Naval Affairs [Mr. HALE], to say yesterday evening that the soft-capped shell would penetrate or impinge at an angle of greater incidence than would the hard shell. To-day I understand—I did not have the good fortune to hear the Senator at length—but I heard to-day that that was not exactly the statement which he made. I should be very glad if the Senator would now say exactly what he did state. I think it has a somewhat important bearing on this discussion; in other words, it may demonstrate whether it is worth while for us to have any armor at all on our ships.

Mr. HALE. Mr. President, I think the conclusion that the Bureau of Ordnance of the Navy Department have arrived at carries as a logical sequence the proposition that if we wait until armor plate is manufactured that is impenetrable by the best projectile at square range, there will be no more armor.

Mr. MONEY. Yes, I understood that; but that was not the question I asked the Senator.

Mr. HALE. I do not know but that I had better have read, in answer to the Senator, the memorandum that was sent to me by Admiral O'Neil. It is right on this point.

Mr. MONEY. I shall be very glad to hear it.

Mr. HALE. Mr. President, I think it will be a proper contribution to the discussion on the point suggested by the Senator from Mississippi if the memorandum, which is in substance a conversation had between Admiral O'Neil and myself on Monday night, be read. Let the Secretary read that.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary proceeded to read the memorandum.

Mr. HALE. Mr. President, I hope during the reading of this communication, which is certainly important, that order will be preserved in the Chamber. I do not think any of us can hear the Clerk. He has a good penetrating voice, and yet it does not penetrate as far as my seat. Let us wait until there is order.

The PRESIDENT pro tempore. Conversation in the Senate must cease. The Secretary will suspend the reading until it has ceased. [A pause.] The reading will now be proceeded with.

Mr. HALE. Let the Secretary start the reading at the beginning of the memorandum.

The Secretary read as follows:

[Memorandum for Senator HALE, by Rear-Admiral O'Neil, with regard to the perforation of armor by capped projectiles].

WASHINGTON, D. C., *May 8, 1900.*

1. No armor that exists to-day, regardless of its thickness or quality, can resist the power of the modern gun at short range. Therefore the fact that armor can readily be perforated at short range must not be considered an indication that it is of inferior quality. It simply means that it is overmatched by the gun. Naturally that which is the most difficult to perforate is the most desirable, and it has been determined that armor made by the new Krupp process is the most resisting for its thickness, and it therefore has been adopted by all leading maritime nations, and the latest vessels building for England, France, Germany, Russia, and Japan will all be supplied with it.

2. It has practically superseded harveyed armor, and is now practically the only kind being manufactured, except to wind up incompleted contracts made some years ago.

3. Armor is but a partial protection at best, and as ships can carry but a limited weight of it, it stands to reason that the most resisting quality should be used; notwithstanding that it is but a partial protection, it is the best that can be devised, and distance and oblique impacts are large factors in its favor. Ships will never engage at short range, if it can be helped, because it would bring them under the most energetic fire of every gun in the enemy's vessel, both great and small.

4. All tests for the acceptance of armor, both in this country and abroad, are made with uncapped projectiles, and the tests heretofore and now applied are about as severe as can prudently be applied. Occasionally a very superior plate made by the Harvey process gets to the proving ground which would stand a test considerably higher than that prescribed, and the same will, without doubt, be the case with Krupp plates, but the regulation test must be such as will allow a reasonable factor of safety and allow for the ordinary and legitimate variation in a group of well-made plates.

5. It is a well known fact that a soft-steel cap attached to the point of an armor-piercing projectile increases its efficiency to a marked extent; anywhere, in fact, from 15 to 20 and often to 25 per cent, and all such projectiles for the United States Navy are fitted with caps.

6. A very large number of comparative tests were made at Indian Head with capped and uncapped projectiles which fully demonstrated the value of the soft cap, and it is customary now, after regular armor tests, to fire an extra capped shot or two simply for the purpose of gaining information. A few days ago at Indian Head a 6-inch capped shell was easily driven through 14 inches of harveyed armor, and the same has been done through 8 inches of Krupp armor. These shots of course were fired with high velocities at a distance of a few hundred feet. This fact, however, in no way discredits the armor.

7. All the ballistic tests made at Indian Head for the acceptance of Krupp armor have been of a most satisfactory character and have shown it to be all that is claimed for it. The only such armor tested has been for the Russian Government, and the tests were prescribed and witnessed by a technical commission of Russian naval officers who are most careful and exacting in seeing that the requirements are fully met and that the data obtained is complete.

8. The present United States test for 6-inch harveyed plates is two shots from a 6-inch gun, each having a striking velocity of 1,659 foot-seconds and a stricking energy of 3,729 foot-tons. The test for a 6-inch Krupp plate is four shots from a 6-inch gun, each having a striking velocity of 1,885 foot-seconds and a striking energy of 7,221 foot-tons.

9. An 8-inch Krupp plate is tested with four shots from an 8-inch gun, each having a striking velocity of 1,825 foot-seconds. The test for a harveyed 8-inch plate is two shots with a striking velocity of 1,558 foot-seconds.

10. The above are graphic illustrations of the increased severity of the tests for Krupp over harveyed armor.

11. No experiments have been made which discredit armor made by either the harveyed or Krupp process.

12. Experiments have been made which show the great value of the soft-capped projectile against either kind of armor. Should the Government undertake to make armor there is no reason to suppose that they would be able to make it of better quality than the private manufacturers; in fact, there is every reason to suppose that they would not make it as good, being without experience and with a somewhat limited knowledge of the subject. I have no hesitation in saying that no pains or expense is spared by the present manufacturers to produce the very best article of the kind they have agreed to supply.

13. The total amount of armor contracted for to date is 35,773 tons, costing $19,460,280; an average price of $543.99, without certain royalties for the Harvey process of one-half a cent per pound, which the Government has paid or agreed to pay. The contracts for this armor have extended over thirteen years, an average quantity of 2,752 tons per annum.

14. I estimate roughly that the total quantity of armor required for ships authorized and for those on the present bill is as follows:

	Tons.
Maine and class	7,359
5 battle ships at 3,400 tons each	17,000
6 armored cruisers at 1,800 tons each	10,800
Total	35,159

Mr. HALE. Mr. President, I am extremely glad that the suggestion of the Senator from Mississippi has brought out the reading of this document. I had intended to put it into the discussion; but it could never come in more appropriately than now. It is the result of an interview between the Admiral and myself on Monday night last, in which I made a memorandum for him of certain questions that I wanted him to answer, which he has

done most faithfully; and I can conceive of nothing that would shed more light upon this whole discussion than the statement of Admiral O'Neil in this memorandum.

Mr. MONEY. Mr. President, I quite agree with the honorable Senator in that remark. I think the reading of that paper has shed a great deal of light, and I congratulate myself that my question brought it into the discussion. It is a very valuable contribution. Among other things, it shows that this supposed secret about these soft-nose projectiles is no secret at all. It is known to every naval establishment in the world.

Mr. HALE. I believe the Senator is right about that.

Mr. MONEY. It is known everywhere, all over the world.

Mr. HALE. Of course there was at first a kind of mystery or lack of knowledge on the part of a great many Senators, and I did not know of it myself.

Mr. MONEY. It was pure crass ignorance on the part of this Senate. Everybody else knew of it except ourselves.

Mr. HALE. Everybody else knew it, and had known it for years.

Mr. MONEY. Yes; everbody else knew it. It shows further that there is no armor that can not be penetrated by this superior projectile.

Then there is a proposition to put upon American war ships an inferior armor that can be more easily penetrated, and at the same time of much greater weight, thereby complicating the problem of floatation in the building of battle ships. So I think we ought to eliminate the harveyized armor entirely from the question. We never ought, in my judgment, to put upon a ship anything but the very best armor.

Mr. HALE. I think the Senator is right about that, and practically that has been done. The Department has, aside from the contracts made for Harvey armor, declined to go on and put any more Harvey armor on ships, unless we so direct, upon just the grounds that the Senator puts it, that it is inferior armor.

Mr. MONEY. I think that was very proper in the Department, and I think the Senate is failing in its duty if it does not have discontinued the use of inferior armor.

That opens the question to my mind whether it is worth while to have any armor at all. I do not know whether the committee has considered that subject, and I do not know whether the proper bureau of the Navy Department has considered it; but if ships are to have heavy armor at a vast expense to the Government, and that armor can be penetrated by projectiles of a certain weight and at a certain muzzle velocity that has been mentioned here in these experiments, I do not see what is the use of armor at all.

It does not require close action to penetrate this armor. Take the gun that Admiral O'Neil has presented, that is made right here in the city of Washington, a 12-inch gun, made here at the navy-yard, and it will throw a projectile of 850 pounds 9 miles with an accuracy that would astonish a rifle shot. You can hit my hat a thousand yards with one of those guns. The *Pluton*, a little torpedo-boat destroyer, a short line on the margin of the sea, was sunk by a shot from a 12-inch gun at a distance of 3½ miles, and her consort, the *Terror*, was destroyed at the same distance and by the same gun. A battle ship with the harveyized armor or with the Krupp armor could be penetrated at a distance of 3 or 4 miles.

I have not given any particular study lately to this matter, and, as I confessed a while ago, I was ignorant of these developments; but it is well worth while to consider it; and if the committee who have had the matter under consideration have come to any conclusion upon it, I would be glad to be enlightened; and I certainly shall be glad to yield to their information upon this subject, whether it is worth while to armor vessels at great cost and at the expense of floatation and of speed, in order to secure an armor that will be valuable at such ranges as no sea fight is likely to be fought.

Mr. HALE rose.

Mr. MONEY. I shall be glad to hear from the Senator.

Mr. HALE. I think the Senator, while right in his general proposition, is wrong about the distances. I do not think, with the best armor obtainable, that at 2, 3, or 4 miles the armor of a ship could be perforated by any of these projectiles. In such a case, where the firing was at a distance, as it was off Santiago, the best armor would be useful and would be protective. If fleets of great modern ships shall ever come together, as they did at Trafalgar or at St. Vincent or in the Nile——

Mr. MONEY. Perhaps they never will.

Mr. HALE. But if they ever should, nothing in the shape of armor that has been either invented or built or even imagined could stand against the projectiles.

Mr. MONEY. I think not.

Mr. HALE. But the experiments that have been made are not made, as they would be in actual naval warfare, at a distance of 1, 2, and 3 miles, but they are made at relatively short distances, to show, first, the superiority of one kind of armor over another, and then the superiority of the armor or the projectile at near range, so as to get at certain fundamental propositions upon which to build. I do not think the Senator's conclusion is wise, that because it has been demonstrated that at short range a projectile will penetrate an armor plate, therefore we should cease armoring the ships with the best armor where the contest will be not at a near range, but at a distant range.

Mr. MONEY. If the Senator will allow me, I have come to no conclusion. I asked for information if the committee had considered the subject.

Mr. HALE. Yes; and I am trying to state, and I think the Senator sees whatever force there may be in my proposition, that in actual contests in war our ships will not be subjected to this near experiment, which is made for the purpose of determining which projectile is best, which armor plate is best; and that therefore we should not stop armoring, with the best armor we can get, the ships that will be tested, not at the proving grounds, not at navy-yards, but upon the sea against other navies, against other fleets, where there will be maneuvering, and where, instead of there being eight or ten hundred yards between them, there will be a mile or 2 or 3 miles; and the committee's conclusion is that it is best for us to go on and get the best armor we can and put it on the ships.

Mr. MONEY. There has been an instance of a naval engagement under present conditions in the fight between the Japanese and the Chinese fleets off the mouth of the Yalu River.

Mr. HALE. That was the nearest.

Mr. MONEY. There was a hand to hand contest, a melee, and the ships even attempted to ram one another. The Senator will recollect that the Chinese war ship, having received what was considered a fatal wound, attempted to ram a Japanese vessel within a hundred yards of her, but before she reached her enemy she sank like a bullet. The Senator will also recollect that there was no armored battle ships in the Japanese fleet, and that the whole superstructure almost of the two principal Japanese cruisers was absolutely eaten away by the small shot. They had the finest guns that we knew anything about at that time; they had Krupp and Canet guns on both fleets, and the Senator will recollect an instance where one shot from a Canet gun swept the whole battery off one side of a Japanese ship, killed fifty-seven men, dismounted every gun on that side, and destroyed everything in the way.

Mr. President, that fight was within as close range as it was at Trafalgar, St. Vincent, or the Nile, except that they did not lash themselves to one another, yard arm to yard arm, as was done in those days with long toms, carronades, 6-pounders, and wood ships. The Japanese fleet circled continually around the Chinese fleet. The Senator may very well reply to me by saying that the whole Chinese fleet was saved by the fact that they had two armored battle ships.

Mr. HALE. That was all.

Mr. MONEY. But the question now is whether it will be worth while to go into the business of armoring ships any more. While I am no authority on ordnance, it seems to me as a layman that when a projectile weighing 850 pounds, with a muzzle energy of 46,246 foot-tons and a muzzle velocity of 2,800 foot-seconds—throwing that projectile at a vessel 3 or 4 miles away, it could easily penetrate any armor likely to be put on any ship. The Senator shakes his head, and I yield to his superior knowledge on this question, but I say if we are to armor these ships we ought to have the best armor.

I happened to be one of a committee of the House of Representatives which investigated the armor frauds several years ago, and I visited the works of Mr. Carnegie with the committee. We had before us the superintendent, who was quoted here a while ago by the Senator from South Carolina [Mr. TILLMAN], and the foremen who had charge of the steel from the time the ingots went into the furnance until the armor was fitted for its place on the ship, and the frauds there were perfectly obvious. The superintendent himself confessed that the instrument used to test the tensile strength of the bolts that held the armor in place was "jockeyed" in the test, to use his own expression, and the man whose business it was to work the instrument confessed to the "jockeying."

He went further, and he said that even in dealing commercially with private parties the same "jockeying" was going on. We know that the armor plate was full of blowholes, and that each plate of armor is cut in two, and that the lower half is better metal than the upper because of the settling of certain components, and that the lower half was sent to the test grounds at Indian Head to stand the ballistic test for a group of upper half plates, when it was no test at all for the upper half.

We also discovered—and everybody has seen it, perhaps—that the foremen doctored their books; that the agent of the Government, the naval officer of the Government there, and the superintendent of construction of this armor plate, under a contract which provided that the Government should be constantly informed of every process in the manufacture of that armor, was continually deceived. All these facts have been published to the

world. That company getting a little into disrepute, being fined very heavily by the Secretary of the Navy—and, by the way, the fine was subsequently remitted in part—the Bethlehem Company obtained a contract, and part of it was given to Carnegie.

Now, we are informed in this debate that there is an international trust; that Krupp, with his secret, and Harvey, with his patents, and these two American companies—the Krupp Company abroad and others; for I believe there are several of these establishments in France and one or two in Italy—have organized an international trust to impose not only on this Government, but on others. We have the spectacle of Carnegie taking a contract from the Russian Government for armor at $249 a ton, when we were paying that company not less than $450 a ton. The result of that investigation, if I am correct, was a resolution or a bill introduced by the distinguished Senator from New Hampshire [Mr. CHANDLER], which provided that not more than $300, including the royalty of $11 a long ton, should be paid.

The question now is whether we are still longer to be subjected to the extortion of this international trust or this domestic trust, or whatever it may be, with their patents and their secrets. There is no difficulty, if the Government undertakes to manufacture for itself, in getting whatever secret is now used by any manufacturer in the world. It seems to me, with the amount of armor, 37,000 tons, I believe——

Mr. STEWART. Thirty-five thousand tons.

Mr. MONEY. Thirty-five thousand tons, in the programme of construction authorized and about to be authorized to be constructed, there is an immense profit to the United States in building its own plant at some point where coal and iron and limestone are in juxtaposition and will make material cheap. The Government will not only save money, but it will get the best article, and it will not require an inspector to see that there are no blowholes, no false tests, no jockeying with the instruments that test the strength of the bolt that fastens the armor to the side of the ship.

It seems to me there is nothing in the proposition in this case that the Government should not compete with private citizens in work; and I fully agree with that doctrine, generally. We have a gun factory, competing with private factories. That was objected to at first on the same ground, and we are making now the finest guns in the world.

Mr. HALE. We never competed with the gun makers who make the gun itself. They send it down and we finish it. The assembling is all done by private parties. All that the Government does is to finish it.

Mr. MONEY. I know that when the gun comes here it is rough bored. We put the jacket on the gun; we rifle the gun; we really make the gun. We make it of such quality that it has no superior in the world, according to the reports of our ordnance officers.

Mr. HAWLEY. The parts come here rough turned, rough bored.

Mr. MONEY. That is my understanding.

Mr. HAWLEY. And they are finally executed, finished, and assembled here.

Mr. MONEY. I understand that.

Mr. HAWLEY. It is called a gun factory, but it is only partially a gun factory?

Mr. MONEY. It is a gun factory in the completion of that instrument which is considered now the best weapon in the world, just exactly as if you would bring the raw ore. The gun is finished here, and there is no superior to it, and I do not see any reason why the Government should not have the best armor that can be made in the world at a cost that is very much less than what we are compelled to pay to the international trust.

Now, I want the distinguished Senator from Maine to understand that I am not opposing in any particular his propositions here, although I shall vote with my friend the Senator from South Carolina for a Government plant, because I believe it is the cheapest and best. There is something in a great nation like this being held by the throat by two corporations here and a few abroad and being compelled to pay what every man here knows to be an exorbitant price.

Mr. HALE. Does not the Senator, who is very quick of apprehension, see the difference, when he uses the strong metaphor of these establishments holding the Government by the throat, between letting them have their way, without let or hindrance, and fixing their price, as they did in all the first years of our building up of the Navy, and the scheme of the committee now to hold them down to a moderate price, a price at which we can not make it, and if they do not take that, then to make an armor plant, because we will be obliged to?

Mr. MONEY. That is a reasonable proposition.

Mr. HALE. The committee felt that instead of letting these people have their own way we are holding them up. We say on all the testimony we can get that nobody can furnish armor—no private establishment, and the Government certainly can not—for less than what we offer to give them, and if they are not reasonable enough, if they do not cease their exactions, if they do not cease taking us by the throat, and make the contract for the moderate price of $445, which is only $31 more than is paid for the harveyized armor, including all royalties, then we will have an armor plant. Now, does not the Senator see the difference between that programme and letting these people have their entire way?

Mr. MONEY. Certainly.

Mr. TILLMAN. Will the Senator allow me?

Mr. MONEY. In one moment. I perhaps used a strong expression—held by the throat—but I had in mind when I spoke the time some little while ago when we very badly needed ships and the ships were arrested in construction because these gentlemen would not furnish armor except at their own price. I called that held by the throat. Now, whether they can repeat it or not depends upon the willingness of this Congress to check them by saying we will have a plant of our own. From my limited knowledge of the subject, and I have the advantage from assisting in that investigation into armor making and the frauds committed by the company upon the Government of knowing a little about it, I do not believe that $445 is a low price or a moderate price.

I believe with the Senator from New Hampshire when he declared years ago that armor of the very best could be made at a profit at $300 a ton. I have not time now, nor would the Senate care to hear the reasons detailed which moved me to that conclusion. I do not want to interfere with the programme of the committee, and, as I said at the outset, I have no doubt they have given this matter consideration, which I have been unable to give and have not given, I confess; but in this matter of an armor plant I shall vote with the Senator from South Carolina, because I believe it is the best way and the surest way and the cheapest way.

Mr. TELLER. Mr. President, I do not desire to discuss this question particularly, but I have a document here from the Navy Department which I wish somebody who knows more about it than I to explain.

I find in this document, which came to us yesterday, that they speak of a gun with a muzzle velocity of 2,800 foot-seconds, having a muzzle energy of 46,246 foot-tons. I suppose they mean by this statement that that class of projectiles at that speed would penetrate harveyized armor 19½ inches and Krupp 15½ inches. But I find in Document 10 what would lead me to suppose, if I did not doubt it from some knowledge I have on the subject, that they meant to say that they had penetrated 21.42 inches of harveyized steel and 16.84 inches of Krupp. I wish somebody, the Senator who has charge of this bill or the Senator who has been Secretary of the Navy, to tell me whether they have made any such progress in gunnery as this indicates.

Mr. HALE. That is a document which was sent to me, and I had it printed. I suppose those tables represent just this: They show what experiments have been made with certain thicknesses of armor. Then they carry that out proportionately as to thicker plates, and they show what, if they did make these experiments, would be the result logically on thicker plates. I do not understand that any experiments have actually been made on the thickest plate that is indicated there. I do not know that there is any such plate. I suppose that is only a calculation.

Mr. TELLER. The Senator from Maine says there is not any plate but that this soft-nosed shell would perforate.

Mr. HALE. What I mean by that is any plate which it would be practicable to put on a ship.

Mr. TELLER. Of course; I understand that.

Mr. HALE. I do not suppose, if you put on a plate of 3 feet in thickness——

Mr. TELLER. You can not do that.

Mr. HALE. But that can not be done, because then at once you sink the ship. But up to the point of floatation and the usefulness of a ship, as a ship in the water, and a ship to be taken about from one place to another, maneuvered, and all that—up to that point, which the engineers and ordnance officers know, no armor up to this time has been either found or thought of that would stand the most piercing projectile.

Mr. TELLER. What a projectile will do must be determined upon its distance, upon the distance that it goes, and the way it strikes the object. All these experiments are under the most favorable circumstances for the penetration qualities. For instance, take these muzzle experiments—perforation at muzzle. In that case there is no elevation. The gun stands on a level and the projectile strikes squarely against the plate. It is not a plate which is curved, as it may be on the ship, but it is a plate presented squarely, while if the ship was 3 miles off the projectile might strike it at a very different angle. The shell itself would be in a different position; it would not be striking on.

In order to reach any considerable distance the gun must have an elevation, and when it has an elevation with the natural drop of gravity the projectile always drops with its heel or its heaviest

part down, and it never strikes as it strikes at the muzzle. So these experiments are not of very much value, when you come to them. I do not myself believe we have ever had any 3,000 foot-seconds experiments, although we may have, perhaps; but 2,000 is regarded as a pretty good speed.

I only wanted to know, because when I got it I thought we had made the most remarkable advance in gunnery, and as I had not been looking up the subject of gunnery for a year or two, I thought I was really a great ways behind. But I went to the Senator from New Hampshire and he told me he thought this is a sort of theoretical arrangement or understanding. I wish the Senate to understand that, so we will not be misled into supposing we have the tremendous engines of war which this would indicate we have. We have not got them.

Mr. CHANDLER. Mr. President, I think I ought, before a vote is taken, to state the reasons which have induced me to differ with the majority of the committee and to vote for the amendment of the Senator from South Carolina [Mr. TILLMAN]. The Senator from Maine [Mr. HALE] has stated very clearly and dispassionately the situation in reference to armor, and he has presented, as a solution of a very difficult question, the proposition that we shall fix a price of $445 a ton for armor, and that if these two combined companies—the Carnegie and the Bethlehem—will make 34,000 tons for $445 a ton, which will be about $17,000,000 paid to them, they shall be allowed to make it; but if they will not do it, then we will pay them $545 a ton for armor for the three battle ships, the hulls of which are now constructed, and then build an armor plant and ourselves manufacture the additional armor which we may want.

Mr. President, on the other hand, the proposition for which I contend as being on the whole the best thing is to submit to pay $545 a ton for armor for the three battle ships—the *Maine*, *Ohio*, and *Missouri*—but build an armor plant and manufacture the rest of the armor. My proposition and the proposition of the Senator from South Carolina, as to the authority to be given at this time to procure armor, is in conformity with the opinion of Admiral O'Neil, the very able Chief of the Bureau of Ordnance, whose letter the Senator from Maine has just submitted. In a letter of May 1 to the Secretary of the Navy, forwarding certain correspondence between himself and the armor makers, wherein they refused to take less than $545 a ton for armor, he says:

> In the opinion of the Bureau, it would not be advisable at the present time to consider the purchase of armor for other vessels than the *Maine*, *Missouri*, and *Ohio*, as conditions may change at any time not only as to the character of armor, but as to its cost and as to the sources of supply.

The reason why the Chief of the Bureau believes such action is sufficient at this time is because there is really no great haste about settling this business. There is really no necessity for providing at this time for 34,000 tons of armor, to cost $17,000,000. The armor factories will be out of work this fall.

If they begin the work on the armor for these three ships, it will occupy them about a year, and, in my judgment, an armor factory for the Government can be erected within a year. I know other Senators differ from me; I hear contradictions around me, but I maintain my opinion nevertheless. The cost of an armor plant and the length of time required to put it into operation have been very much exaggerated by the opponents of an armor plant. The reasons why I think we ought to begin on an armor plant at this time are simple.

In the first place, I ask the Senator from Maine and I ask other Senators who advocate making a contract with these two companies now for $17,000,000 of armor, what they are going to do when those contracts end? Are we going to stop building armored ships or are we going to build more battle ships with armor on them? If we are going to build more, then at the end of three or four years we shall be in exactly the same trouble as now and it will further appear, that whereas we have already paid to these companies $20,000,000 for 35,000 tons of armor we will have paid them $17,000,000 more for 34,000 additional tons to build up their monopoly; and we will be more than ever in their clutches, to use the expression of one Senator.

Mr. STEWART. It would be $18,900,000 for the 35,000 tons.

Mr. ALLISON. At what rate?

Mr. TILLMAN. Five hundred and forty-five dollars.

Mr. CHANDLER. Whether it is four hundred and fifty or five hundred or five hundred and forty-five does not make much difference to my argument on this point. Are we at the end of buying and using or of making and using armor when we have paid this $17,000,000 additional to these two monopolies? That is the question I ask.

Mr. HALE. I do not quite see the force, as an argument, of that question.

Mr. CHANDLER. The Senator is not called upon to do that. He may answer the question, if he desires.

Mr. HALE. Of course I can not answer it as well as if I could see what the Senator is driving at. I do not see that what we will do hereafter has anything to do with what we will do now. If we get settled here a reasonable price for this armor, and get contracts for the ships that are now awaiting it and the ships that we now propose to build, the natural presumption in human affairs is that that will settle it in the future. I have no fear whatever, if these companies come to the terms of this bill and furnish the armor at $445, which I have no doubt is less than the Government can make it for, that they will ever attempt to get more. There is no possibility that they will.

Mr. CHANDLER. That is an answer to the question, and it is in effect that the Senator does not see any danger ahead. I see very great danger ahead. I see that we are going to be worse off after we have paid them—first $20,000,000 and then $17,000,000—than we are now. Reluctant as I have been to have the Government enter upon what some Senators call paternalism—the manufacturing of armor—I am inclined to believe now that we ought two or three years ago to have built an armor factory.

The Senator from Maine said something about this paternalism. But within two years we have appropriated a large sum of money to enable the Bureau of Ordnance to make smokeless powder. Why did we do that? There are many powder factories in this country. They can make smokeless powder, and make it as good as we can; but Captain O'Neil came to us with the request, indorsed by the Secretary of the Navy, and we have appropriated several hundred thousand dollars—I do not know how much—to build a smokeless powder factory. Why did we do that?

Mr. HALE. We did that because——

Mr. CHANDLER. We did it because we were afraid that the combined powder makers of this country would charge us too high prices.

Mr. HALE. It was not so much that. In time of war we thought it desirable to do it; and I venture to predict that what we put out on that factory will be dead matter.

Mr. CHANDLER. I did not want to do it, but the Senator from Maine——

Mr. HALE. No; I did not want to do it.

Mr. CHANDLER. But the Senator from Maine, as usual, overruled me in committee, and I supported it——

Mr. HALE. I did not want to do it.

Mr. CHANDLER. Because I was asked to help put an end to any powder monopoly.

Mr. HALE. I thought it would be better to do the other thing, I am glad the Senator has invoked this, as I was going to do it myself. Every dollar we have put into the smokeless-powder factory will be sunk money, as much so as if dropped into the Atlantic Ocean. It never will produce a pound of smokeless powder.

Mr. CHANDLER. The Senator will bring in appropriations to pay the remaining bills for putting it up. It is paternalism, if an armor-plate factory is paternalism, and we built it because we would not be in the hands of the powder makers of the country, and we ought to build an armor plant so that we will not be in the hands of the armor-plate makers of the country.

I come back now to the question which I asked the Senator from Maine. What are you going to do when you have given them this 34,000 tons of armor to make and $17,000,000 to make it with if after that we are going on to build more battle ships? We shall have to submit, probably, to some new invention. When they found we would pay them but $400 a ton for harveyized armor they went to work and invented the Krupp armor and said we must pay $545 for that. What is there to it? Nothing in the world except they harden the face of the plate a little more.

The way to make armor hard is to supercarburize the face of it with charcoal or charcoal gas, and the harveyed armor is penetrated by carbon perhaps a half or three-quarters of an inch and the Krupp armor is penetrated by carbon perhaps an inch and a half. That is all there is to it. Anybody can do it. There is not a patent on it that is worth anything. When anybody undertakes to say that we have not mechanics skilled enough to build such a Government factory and make these plates in it, he does great injustice to the American mechanics.

Mr. HALE. The Senator stated that right. I agree with him. That is a part of the basis of the committee's action. There is not very much difference, I think. We give them only $31 difference between what we have been paying for the harveyed armor——

Mr. CHANDLER. You have not given it to them yet, and they have not agreed to take it. That is only the Senator's hypothesis.

Mr. HALE. We make that as the basis.

Mr. CHANDLER. I do not want to be diverted from my argument.

Mr. HALE. I want the Senator to bear that in mind—we give them only $31 more.

Mr. CHANDLER. Exactly. Let us see where we started. We did pay four or five hundred dollars a ton for armor in the beginning.

Mr. HALE. Six hundred.

Mr. CHANDLER. Six hundred far back in time; then the price went down to $545. What had the Bethlehem and Carnegie companies done?

In 1895—

I read from Secretary Herbert's report, which is House Document No. 151, Fifty-fourth Congress, first session, page 21—

In 1895 Russia was in the market for harveyed nickel armor.

First we were told we must put nickel into the armor, and we did. Then we were told we must buy harveyed armor, and we did. How well I remember the eulogy of the Senator from Maine in this Chamber upon harveyed armor, when he glorified the American inventor and boasted of the great discovery of the Harvey armor; and when some of us wanted to hold back a little on the price of it, he said: "A great invention." "It has revolutionized warfare." "A world-wide discovery."

Mr. HALE. It was.

Mr. CHANDLER. But now we are told it is worthless; it will not do to put on our battle ships, and men are unpatriotic who want to send our seamen out to fight with inferior armor on our battle ships. Any man who makes any contest against paying $17,000,000 more for armor to these two monopolies is said to be unpatriotic simply because he is disposed to be economical.

Mr. TILLMAN. Mr. President——

Mr. CHANDLER. No; I will not yield to the Senator now.

Mr. TILLMAN. I hope the Senator will not be so obdurate as not to let me put in a thought right here.

Mr. CHANDLER. I have so many of my own, that I think are better than the Senators, that I think I shall have to go on.

Mr. TILLMAN. I have to leave the city.

Mr. CHANDLER. If the Senator will agree not to go to Baltimore and make the speech he is going to make, I will yield to him.

Mr. TILLMAN. I am obliged to go to Baltimore, because I foolishly made an agreement to go, and I usually try to keep my promises. Otherwise I would be very delighted to stay and hear the Senator. But I want to ask him to ask the Senator from Maine, because I am really afraid to ask him, whether or not if this were a proposition that the United States should present to the Carnegie and Bethlehem companies the battle ship *Oregon* he would vote for it; just make them a present of it.

Mr. CHANDLER (to Mr. HALE). Is that the inquiry?

Mr. HALE. He asks me.

Mr. CHANDLER. I did not hear the question.

Mr. TILLMAN. You ask him.

Mr. CHANDLER. I did not hear the question, but I ask the Senator from Maine to answer it.

Mr. HALE. I have to receive it through the medium of the Senator from New Hampshire.

Mr. CHANDLER. I was just then endeavoring to answer a question of the Senator from Colorado near me, and I did not hear the question of the Senator from South Carolina. So I think I had better go on.

Mr. Herbert called our attention to certain facts, and I want every Senator to hear them:

In 1895 Russia was in the market for harveyed nickel armor. The Bethlehem and Carnegie companies, in the United States, were then both well established, and neither had sufficient orders from this Government to employ its plant continuously. There was sharp competition for the order from Russia, and the Bethlehem Company secured the contract for manufacturing armor for one ship at the very low price of $249 per ton, this armor to be both nickeled and harveyed and to be delivered in Russia.

There is where the controversy over this armor question began, as Senators very well know; and nobody believes that the Bethlehem Company lost money on that armor. They never were able to show that they lost money on it.

Mr. HALE. Will the Senator from New Hampshire permit me?

Mr. CHANDLER. Certainly.

Mr. HALE. The Senator is not only a very adroit and interesting debater; he means to be a fair debater. Does he not know that this single instance of furnishing Harvey armor at $240 a ton by this company has been exploited scores of times, and that it has always been explained as a single instance of what a company did in order to get into the European market, to get its wares in there?

Mr. CHANDLER. Is that the whole of the Senator's question?

Mr. HALE. Well, I will make it in the form of a statement. It has never been contended that there was any other contract. It was simply to get into the European market.

Mr. CHANDLER. Now, after the Senator's compliment to me, I will say that what he says is true; they have so claimed. But what I said was that it never had been shown that they lost money on the contract, and it can not be demonstrated to-day that they lost money on it. I referred to the fact in order to show the beginning of this controversy about armor. It led to an investigation by the Naval Committee, of which the Senator from Maine [Mr. HALE] and I were members, and a report was made on the armor question, Report No. 1453, Fifty-fourth Congress, second session, November 11, 1897. Although that report was made by me, the findings of it were very carefully considered by the Naval Committee. The statements as I had written them were very much modified, and the whole committee concurred in the report. Secretary Herbert had estimated that armor could be produced for about $250.

He added for profit 50 per cent, or $125, making $375. Then he added for nickel $20, and he made up $395, or in a round number $400 a ton for armor. That is what Secretary Herbert had estimated, while the committee reported that a fair average price to be paid for armor for the three new battle ships authorized by the act of June 10, 1896, would be between $300 and $400 per ton of 2,240 pounds. The committee put their estimate in a general way as being somewhere between $300 and $400, allowing only 33⅓ per cent for profit, and thus making the estimate about $350. It appeared substantially from the thorough investigation of Secretary Herbert that the Bethlehem Company must have got back their money on the $249 contract which they made with Russia. They may have done the work without profit, but not at a loss.

Now, Mr. President, I will not detain the Senate long. The result of all that controversy was that Congress by law limited the price of armor. We limited it to $400, and we limited it on two or three occasions to $300. What then happened? These two monopolies—a part of an international trust, as Senators have stated, the foreign armor makers and the American armor makers being in combination—finding that the Government was determined to get out of their clutches very shortly, said they had invented a new armor, and the Krupp armor was brought forward. The harveyized armor was ridiculed and denounced and laid aside, and the Krupp armor was claimed to be the only armor that we could afford to put upon our battle ships.

I will not undertake to go in detail into the merits of this Krupp armor. The companies put some chrome into it, and they put a little more nickel into it, and they forced the carbon, as I have said, into the face of it three times as deep as they had forced the carbon into the face of the harveyed plates. That is all there is to it, Mr. President.

As I said to my colleague a little while ago, they also bought up the Harvey process. Whether they claim any additional patents or not I do not know, but the royalties of $45 a ton which they say we ought to pay include anything that we might be required to pay for the patents on the Harvey process. But I venture the assertion that I have made before, that the United States can build a factory and make just as good armor as the Krupp armor and not be obliged to pay a dollar for patents or a dollar for royalty to anybody under heaven.

Now, Mr. President, why should we not do this? I say we should do it, unless you are to come to the end of building battle ships when those are built provided for in this bill. If we are never going to build any more battle ships, if, having purchased 35,000 tons of armor at a cost of $20,000,000 and being now about to purchase 34,000 tons at $17,000,000 more, we never are going to need any more armor for battle ships, I grant that we had better pay the price of $545 a ton. But, Mr. President, I do not understand that anybody argues that these are all the battle ships we are ever going to have. If there is any Senator who says or believes that, then I think he should advocate paying $545 a ton for this armor.

But nobody believes that. If we are to be a world-wide power, we are going on to build battle ships, armored battle ships, for the next twenty years. But if I am wrong, and we are not going on to build any more ships than will be armored by the 34,000 tons of armor, it seems to me that we had better wait until next winter, by postponing some of the battle ships that are provided in this bill. If this is all the armor we are ever going to use, I agree we had better pay $545 for it, but even in that case we had better not order all the battle ships that we are ever going to have at this session of Congress. We had better postpone the construction of some of them, and follow the recommendation of Captain O'Neil, Chief of the Bureau, and make no provision at this session except for the three ships that are now built. If we are going to keep on building battle-ships, let us now pay $545 a ton for the armor, and hereafter let us, Mr. President, make our own armor.

Mr. President, the Committee on Naval Affairs, in the report to which I have alluded, found:

That a Government armor factory could be erected for the sum of $1,500,000, and that it is expedient to establish such a factory in case the armor manufacturers decline to accept such prices for armor as may be fixed by law.

That finding of the committee was in accordance with the opinion of Secretary Herbert. It should be explained that this million and a half for an armor factory did not include the price of a steel plant. It was the estimated cost of an armor factory proper, which should take from the manufacturers of steel the steel ingot and put it under the hammer or under the hydraulic press and shape it, and then by other machinery proceed to fashion it into armor plate.

We can build, if we choose, for a million and a half dollars an armor plant near a steel plant. We can go to Pennsylvania and locate our factory near a steel plant, or near steel plants, which will produce for us steel ingots exactly as we want them, with the proper chemical ingredients; or we can do what is better—go to

Chattanooga, or to Birmingham, or to Sheffield, or somewhere else in the coal and iron section of that part of the country.

There is nothing very mysterious or troublesome about the process of making armor. I hope the Senator from Georgia [Mr. BACON] before this debate is over will tell the Senate, for he has seen the Bethlehem plant, whether there would be anything very difficult in having American mechanics build a Government armor-plate factory and make armor plate. It is not fine work. It is nothing like the work that is done in building guns at the Washington Navy-Yard. There is needed a hydraulic press to take the ingot from the furnace and shape it. That is heavy work, but it is not difficult work. A press will cost about half a million dollars. Then the plate has to be shaped to go on the side of the ship, and for the purpose of shaping the plates you need about half a million dollars more for tools, and that is about all you need after you have provided the steel ingots.

Now, Mr. President, it is extremely discreditable to American mechanics to say they can not do that thing in a Government factory, and it is not creditable to Captain O'Neil to send a communication in here to-day in answer to the questions of the Senator from Maine, stating that our mechanics can not make this armor under his direction. He sent it in just as willingly as he went down to Indian Head yesterday morning to fire a 6-inch shell through a harveyed plate, because it was necessary to the progress of this debate that a shell should go through a harveyed plate.

Mr. President, it is not creditable to say that the American mechanics can not do this work at a Government plant, because we know they can do this work. The whole difficulty has been magnified whenever the question has been submitted to naval officers. There is a voluminous report here from the naval officers who went out and looked the country over to see how much it would cost to locate and build an armor plant. They knew the policy of the Department was not to have an armor plant, and they made the expenses perfectly enormous.

Mr. TELLER. Mr. President——

Mr. CHANDLER. In one moment. But I confront the report of those officers with the report of the Committee on Naval Affairs and with the report of Secretary Herbert, and I say that within a year, or a year and a half at the most, we can have a Government armor plant that can make armor and can make it as good, as strong, and as reliable as the armor that we can get from these combined manufacturers. Now I will yield to the Senator from Colorado.

Mr. TELLER. I wish to ask the Senator if he does not recall that about the time we let the contract to the Bethlehem Company for guns and entered into a contract for armor plate it was stated in the Senate in debate that we could not make armor plate or gun metal in this country? We have demonstrated certainly that we can beat the world on gun metal, whatever we may have done on armor plate.

Mr. TILLMAN. Mr. President——

Mr. TELLER. The same claim was made then that is being made to-day, that we could not do it.

Mr. LODGE. All our armor plate has been made in this country. We have not bought any foreign armor plate.

Mr. TELLER. I know that. It was said that we could not make it as good as it was made abroad; and as to gun metal, it was said that we could not make it here.

Mr. CHANDLER. How soon does the Senator from South Carolina have to go to Baltimore?

Mr. TILLMAN. I shall have to ask the chairman of the committee to make some arrangement with me by which I can leave at this time, and to defer the vote until I can return.

Mr. PLATT of Connecticut. How long?

Mr. TILLMAN. Until to-morrow. I should like to have the bill go over after the Senator from New Hampshire gets through, or the Senate can discuss the bill as long as it pleases, so it does not come to any vote.

Before I leave that point, though, I wanted to ask permission of the Senator from New Hampshire to put in the RECORD the very enormous estimates made by the Armor Factory Board, of which Commodore Howell was president. There were four other naval officers on the board. Here are their names:

J. A. Howell, commodore, United States Navy, president Armor Factory Board; A. H. McCormick, captain, United States Navy; Mordecai T. Endicott, civil engineer, United States Navy; James H. Perry, chief engineer, United States Navy; F. F. Fletcher, lieutenant, United States Navy.

With the most elaborate and expensive machinery that was then conceivable the total given by these gentlemen, who are all competent engineers, amounts to only $3,747,000.

Mr. CHANDLER. Does that include the steel plant?

Mr. TILLMAN. It includes everything. It includes open-hearth department, forging and cementing shop, bending and tempering shop, machine shop, erecting shop, boiler house, power plant, and so on, $3,747,000. I will put it in the RECORD, so that Senators can see it.

Mr. CHANDLER. The Senator can speak again to-morrow.

Mr. TILLMAN. I am not trying to speak now. I want to ask the Senator from Maine to let me off, and I want the Senator from New Hampshire to please let me put the figures in, so that Senators who want to look at it in the morning can do so.

Mr. CHANDLER. I wish the Senator would comment on the figures to-morrow.

The statement submitted by Mr. TILLMAN is as follows:

Estimated cost of proposed Government armor factory.

Name of department.	Buildings and foundations.	Machinery, furnaces, stacks, etc.	Total.
Open-hearth department	$210,398.70	$331,519.35	$541,918.05
Forging and cementing shop	186,630.74	1,371,607.20	1,558,237.94
Bending and tempering shop	85,494.75	360,544.15	446,038.90
Machine shop	140,577.35	460,073.98	600,651.33
Erecting shop	67,761.78	26,700.00	94,461.78
Boiler house	44,074.60	75,500.00	119,574.60
Power plant	31,258.80	103,400.00	134,658.80
Blacksmith shop	13,070.89	19,341.10	32,411.99
Locomotive house	6,804.13	415.00	7,219.13
Carpenter shop	5,467.83	3,219.00	8,686.83
Office building	15,000.00		15,000.00
Chemical laboratory	6,000.00	19,000.00	25,000.00
Physical laboratory	6,000.00	27,000.00	33,000.00
Railroad tracks and equipment	86,642.76		86,642.76
Latrines	11,112.00		11,112.00
Water supply, sewerage, etc.	33,298.00		33,298.00
Total	949,592.33	2,798,319.78	3,747,912.11

Mr. HALE. If the Senator from New Hampshire will allow me, as the Senator from South Carolina, who has led the debate on that side of the question, is obliged to leave town, I shall not, of course, ask that the matter be closed to-night, as I had hoped to have done. Does the Senator prefer that the discussion shall now be suspended in order that he may listen to it to-morrow?

Mr. TILLMAN. I would not undertake to take the Senator from New Hampshire off his feet. He is in one of the most brilliant and effective speeches I have ever listened to from him.

Mr. CHANDLER. I am much obliged to the Senator.

Mr. TILLMAN. And Senators are for the first time to-day in their seats and are taking some interest in the question of armor plate. I certainly would not undertake to stop his speech. I want him to go on, and I think he can convert the whole Senate, so that in the morning the Senator from Maine himself will give up the convictions he has had and vote with us.

Mr. HALE. At the end of the most interesting remarks of the Senator from New Hampshire I will ask that the Senate adjourn; and I shall try to call the bill up at the end of the routine morning business to-morrow.

Mr. CHANDLER. Mr. President, as is usually the case when I am interrupted in this way, I find I am nearly done. I do wish, if I can, to drive away the atmosphere of impossibility with which naval officers and others have endeavored to envelop this subject. I know of no way in which we can control the price of armor plate except by building an armor factory. I have very reluctantly come to this conclusion. I had supposed that the armor-plate makers would give reasonable terms to the Government. They have not done so, and I have been growing strong in the conviction as other Senators have been growing strong in the conviction for the last two or three years that if we are to build armored battle ships in the future of this country we need an armor-plate factory just as much as we need navy-yards, so that we can hold over the builders of ships and the builders of machinery in this country the possibility of construction by the Government.

I have not been and am not now an advocate of building the hulls or the machinery of naval vessels in the navy-yards, but I should be very unwilling to blot our navy-yards out of existence. If we were to do it, the cost of naval engines and of all ships would be doubled upon us; and whenever anyone should say anything in favor of economy in naval construction and should vote to refuse to submit to the unjust demands of the combined shipbuilders of the country, he would be called unpatriotic and would be accused of neglecting the true interests of the United States. So, Mr. President, as the navy-yards are a protection against any extortion on the part of the shipbuilders, the armor plant which we will establish, if wise counsels prevail, will be a protection against any extortion on the part of these two combined manufacturers of armor plate.

Mr. LODGE. Mr. President, unless the Senator from Maine desires, I shall prefer not to go on to-night. I will be guided by his wishes.

Mr. HALE. On the intimation that I gave to the Senator from South Carolina that I would not seek to go on after the Senator from New Hampshire has concluded his remarks, I will, with the leave of the Senator from Massachusetts, he holding the floor, move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. Will the Senator withhold his motion for a few moments?

Mr. HALE. Certainly.

Mr. LODGE subsequently said: I desire to make an inquiry. I should like to ask if it was understood that I had the floor on the naval bill when it was laid aside?

The PRESIDENT pro tempore. The Senator from Maine stated that the Senator from Massachusetts had the floor. The Chair will recognize the Senator from Massachusetts immediately after the routine business to-morrow when the bill is laid before the Senate.

Mr. CHANDLER. I do not understand that any Senator can hold the floor over night.

Mr. LODGE. That is constantly done. I simply wish to understand if I am entitled to the floor.

The PRESIDENT pro tempore. The Chair will recognize the Senator from Massachusetts to-morrow.

MARGARET H. KENT.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

In compliance with a resolution of the Senate of the 7th instant (the House of Representatives concurring), I return herewith the bill of the Senate numbered 2332, entitled "An act granting an increase of pension to Margaret H. Kent."

WILLIAM McKINLEY.

EXECUTIVE MANSION, *May 9, 1900.*

Mr. GALLINGER. Mr. President, as I understand the matter, the beneficiary under this bill is dead. I move that the votes of the Senate whereby the bill was ordered to a third reading, read the third time, and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be indefinitely postponed.

The motion was agreed to.

STATUE OF HENRY WADSWORTH LONGFELLOW.

Mr. HOAR. I ask unanimous consent for the present consideration of Senate joint resolution No. 48, providing for the selection of a site for a statue in honor of Henry W. Longfellow. I am requested by the chairman of the Committee on the Library, the Senator from Rhode Island [Mr. WETMORE], to call up the joint resolution, as he is obliged to be away.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 48) directing the selection of a site for the erection of a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow, which had been reported from the Committee on the Library with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of War, the officer in charge of public buildings and grounds, and the chairmen of the Senate and House Committees on the Library are hereby appointed as a commission to select a site upon property belonging to the United States in the city of Washington, other than the Capitol or Library grounds, for the erection of a statue in bronze of the late Henry Wadsworth Longfellow, to be provided by the Longfellow Memorial Association.

SEC. 2. That for the preparation of the site so selected and the erection of a pedestal upon which to place said statue, and the reasonable expense of superintendence and inspection of the same, under the direction of the officer in charge of public buildings and grounds, the sum of $4,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the selection of a site and the erection of a pedestal for a bronze statue in Washington, D. C., in honor of the late Henry Wadsworth Longfellow."

EXECUTIVE SESSION.

Mr. HALE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 10, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 9, 1900.

APPOINTMENT IN THE VOLUNTEER ARMY.

Forty-sixth Infantry.

Sergt. Maj. William H. Clendenin, Forty-sixth Infantry, United States Volunteers, to be second lieutenant, May 8, 1900, vice Kavanagh, promoted.

PROMOTION IN THE NAVY.

Lieut. (Junior Grade) Jay H. Sypher, to be a lieutenant in the Navy, from the 11th day of January, 1900, vice Lieut. Reynold T. Hall, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 9, 1900.

CONSUL-GENERAL.

E. C. Bellows, of Washington, to be consul-general of the United States at Yokohama, Japan.

CONSUL.

Henry Bordewich, of Minnesota, now consul of the United States at Christiania, Norway, to be consul-general of the United States at that place, to take effect July 1, 1900.

GOVERNOR OF HAWAII.

Sanford B. Dole, of Hawaii, to be governor of the Territory of Hawaii, an original appointment under the provisions of the act of Congress entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

SECRETARY OF HAWAII.

Henry E. Cooper, of Hawaii, to be secretary of the Territory of Hawaii, an original appointment under the provisions of the act of Congress entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

POSTMASTERS.

John M. Oat, to be postmaster at Honolulu, Territory of Hawaii.

Harry S. Edwards, to be postmaster at Macon, in the county of Bibb and State of Georgia.

Daniel Williams, to be postmaster at Sharon, in the county of Mercer and State of Pennsylvania.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May 9, 1900.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

The SPEAKER. The Chair lays before the House joint resolution 198, providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Porto Rico, including the chapter relating to the fish and fisheries of Porto Rico, as contained in the Fish Commission Bulletin for 1900, with Senate amendments, and the Clerk will report the amendments.

The Clerk read the amendments.

Mr. HEATWOLE. Mr. Speaker, by direction of the Committee on Printing, I move to concur in the Senate amendments.

The Senate amendments were concurred in.

On motion of Mr. HEATWOLE, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 9496. An act to provide for the disposal of Fort Buford abandoned military reservation, in the States of North Dakota and Montana.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

S. R. 121. Joint resolution for the appointment of first lieutenants of volunteers in the Signal Corps of the Army;

S. 2345. An act directing the issue of a duplicate of a lost check drawn by William H. O. Comegys, major and paymaster, United States Army, in favor of George P. White;

S. 323. An act granting homesteaders on abandoned military reservations the right to enter one quarter section of public land on said reservations as pasture or grazing land;

S. 4462. An act to amend an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," approved June 10, 1896;

S. 124. An act regulating permits for private conduits in the District of Columbia;

S. R. 107. Joint resolution to provide for a survey of the Illinois River;

S. 2729. An act granting a pension to Eliza L. Reese; and

S. 4509. An act declaring the city of Everett, Wash., to be a port of entry in the Puget Sound customs collection district.

The message also announced that the Senate had passed the following concurrent resolutions; in which the concurrence of the House was requested:

Senate concurrent resolution 50:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statue of the late Oliver P. Morton, presented by the State of Indiana, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the governor of Indiana; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing.

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 8,000 extra copies of the report of the Commissioner of Labor on hand and machine labor, known as his "Thirteenth Annual Report," of which 5,000 shall be for the use of the Department of Laber, 1,000 copies for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

Also:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of dredging and otherwise improving the Colorado River between El Dorado Canyon and Rioville, Nev., with a view to the extension of navigation on said river to Rioville.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to Senate concurrent resolution 36:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,000 copies of the work entitled The Louisiana Purchase, by the honorable Commissioner of the General Land Office of the United States; 3,000 copies for the use of the Senate and 6,000 copies for the use of the House of Representatives.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 1477) amending sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 1906. An act granting an increase of pension to Agnes K. Capron; and

S. 1905. An act granting an increase of pension to Lillian Capron.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 2245. An act directing the issue of a duplicate of a lost check drawn by William H. O. Comegys, major and paymaster, United States Army, in favor of George P. White—to the Committee on Claims.

S. 323. An act granting homesteaders on abandoned military reservations the right to enter one quarter section of public land on said reservations as pasture or grazing land—to the Committee on Public Lands.

S. 4462. An act to amend an act entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1897, and for other purposes," approved June 10, 1896—to the Committee on Indian Affairs.

S. 124. An act regulating permits for private conduits in the District of Columbia—to the Committee on the District of Columbia.

S. R. 107. Joint resolution to provide for a survey of the Illinois River—to the Committee on Rivers and Harbors.

S. 2729. An act granting a pension to Eliza L. Reese—to the Committee on Pensions.

S. 4509. An act declaring the city of Everett, Wash., to be a port of entry in the Puget Sound customs collection district—to the Committee on Ways and Means.

S. 4291. An act to constitute Durham, N. C., a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the act of Congress approved June 10, 1880, to said port—to the Committee on Ways and Means.

Senate concurrent resolution No. 50:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound of the proceedings in Congress upon the acceptance of the statue of the late Oliver P. Morton, presented by the State of Indiana, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for use and distribution by the governor of Indiana; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statue to accompany said proceedings, said engraving to be paid for out of the appropriation for the Bureau of Engraving and Printing—

to the Committee on Printing.

Senate concurrent resolution No. 52:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 8,000 extra copies of the report of the Commissioner of Labor on hand and machine labor, known as his "Thirteenth Annual Report," of which 5,000 shall be for the use of the Department of Labor, 1,000 copies for the use of the Senate, and 2,000 copies for the use of House of Representatives—

to the Committee on Printing.

Senate concurrent resolution No. 55:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be directed to cause a survey to be made and an estimate submitted of the cost of dredging and otherwise improving the Colorado River between El Dorado Canyon and Rioville, Nev., with a view to the extension of navigation on said river to Rioville—

To the Committee on———

S. R. 121. Joint resolution for the appointment of first lieutenants of volunteers in the Signal Corps of the Army—to the Committee on Military Affairs.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to an enrolled bill of the following title:

S. 1477. An act in amendment of sections 2 and 3 of an act entitled "An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June 27, 1890.

ELECTION CASE OF PEARSON AGAINST CRAWFORD.

Mr. ROBERTS. Mr. Speaker, I call up the contested-election case of Pearson against Crawford.

The SPEAKER. The gentleman from Massachusetts calls up the contested-election case of Pearson against Crawford, and the Clerk will report the resolutions.

The Clerk read as follows:

Resolved, That William T. Crawford was not elected a Representative to the Fifty-sixth Congress from the Ninth district of North Carolina, and is not entitled to a seat therein; and

Resolved, That Richmond Pearson was elected a Representative to the Fifty-sixth Congress from the Ninth district of North Carolina, and is entitled to the seat.

Mr. MIERS of Indiana. Mr. Speaker, I ask that the resolutions reported by the minority be read.

The SPEAKER. The Clerk will report the resolutions submitted by the minority.

The Clerk read as follows:

Resolved, That Richmond Pearson was not elected a Representative from the Ninth district of North Carolina to the Fifty-sixth Congress.

Resolved, That William T. Crawford was duly elected, and is entitled to retain his seat.

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent that the debate close at 5 o'clock to-day, the vote to be taken immediately after the reading of the Journal to-morrow, at which time the resolution and the substitute offered by the minority shall be considered as pending and the previous question ordered thereon.

The SPEAKER. The gentleman from Massachusetts asks that debate close at 5 o'clock to-day and a vote be taken immediately after the approval of the Journal to-morrow, the resolutions of the majority and those of the minority be considered as pending, with the previous question ordered thereon.

Mr. ROBERTS. While on this point, Mr. Speaker, before any gentleman may offer an objection, I desire to state a proposition which I am prepared to carry out and which I think will enable the gentlemen upon the opposite side to conclude their remarks on this case to-day.

I shall, Mr. Speaker, before proceeding to argue the merits of the case, move to strike out from the report of the majority on the sixteenth page the words "reject, Asheville 163," and deduct 163 votes from the total, 318, given to the contestant in that majority report.

I shall do this because it has come to me from several sources that many members of this House believe it is necessary to reject the vote of Asheville in order to seat the contestant. It is not necessary, Mr. Speaker, to reject that vote in order to seat the contestant as you will see the contestant will have 155 plurality left after leaving out the vote of Asheville. I shall make the motion at the further earnest request of the contestant himself and of my colleague from North Carolina [Judge LINNEY], and with the view, Mr. Speaker, of confining the debate on this case to the essential points in it, that the time of this House may not be unduly wasted in discussing matters that are not essential to the determination of the case.

The SPEAKER. Is there objection?

Mr. MIERS of Indiana. Mr. Speaker, I would like to be heard a moment. I am glad to see that the gentleman from Massachusetts [Mr. ROBERTS] is beginning to see the handwriting on the wall, and beginning to realize that there is more in this case than he started out with. That is not the only vulnerable point in the gentleman's report. There are others that can not be discussed in an hour. There are others in this House which will drive him and the gentleman signing the report with him to recede from. I can not therefore consent.

Here is involved a right of election in an entire Congressional

district. Charges are made of bribery; charges are made of open violence; charges are made of corruption at the ballot box. If these charges are true, this House ought to know it, and gentlemen ought to have sufficient time to discuss it and make it plain. We think it is not sufficient time on either side, and we not only ask for the full time, but ask members of that side of the House to stay and hear the discussion in this case, and we will undertake to convince them that it is not true.

Now, Mr. Speaker, the custom has been for two days. We have arranged on this side for four hours' debate, and we can not agree to any arrangement that gives this side of the House less than four hours.

The SPEAKER. Objection is made by the gentleman from Indiana.

Mr. ROBERTS. Mr. Speaker, in compliance with the notice I gave a moment ago, I now move to strike out of the report of the majority, on page 16, the words "reject Asheville, 163," and deduct 163 from the total of 318, so that the true plurality for contestant shall show as 155 votes.

Mr. RICHARDSON. I rise to a point of order. I do not understand that it is in order to move to strike out anything in the report.

The SPEAKER. The point of order is made that it is not in order to move to strike out a part of the report. The Chair will hear the gentleman from Massachusetts [Mr. ROBERTS] in support of his motion, if he has any authorities to submit.

Mr. ROBERTS. I have no authority at hand to submit in support of this motion and against the point of order; but I apprehend, after conversation with some of the older members of the House—shrewd parliamentarians—that such a motion coming from a member of the committee making the report is in order. I will, of course, abide the decision of the Chair on the point.

Mr. RICHARDSON. Mr. Speaker, the report is simply the argument of the gentlemen who make the report. It is not before the House for legislation. It is not to be enacted. We do not vote on the report. The House votes on the resolutions. I submit this is a most unusual motion—to move to strike out an argument which a gentleman has made in support of a resolution. The gentleman need not make the argument; but he certainly can not move to amend by a formal vote of the House an argument which some gentleman has submitted in behalf of the resolutions of the majority.

The SPEAKER. The Chair sustains the point of order.

Mr. ROBERTS. Mr. Speaker, before entering upon the merits of this case, I propose to devote a few moments to a consideration of the conditions——

Mr. MIERS of Indiana. Before the discussion begins, I ask unanimous consent that we be permitted on this side to occupy four hours in the discussion.

The SPEAKER. Does the gentleman from Massachusetts yield for this request for unanimous consent?

Mr. ROBERTS. I do not. I will, however——

The SPEAKER. The gentleman from Indiana asks unanimous consent that four hours for discussion be allotted to the side of the House defending Mr. Crawford's right to the seat.

Mr. MIERS of Indiana. To each side, if the gentleman prefers that proposition.

Mr. ROBERTS. I do not agree to the request of the gentleman——

The SPEAKER. Objection is made. The gentleman will proceed.

Mr. ROBERTS. Mr. Speaker, before entering upon the merits of this case, I propose to devote a brief moment or two to a review of the general conditions in the State of North Carolina preceding and during the campaign of 1898, when the frauds, irregularities, and illegalities which are complained of by the contestant in this case arose.

There never has been any real danger of negro supremacy in North Carolina during the last twenty-five years; yet the campaign of 1898 in that State was waged on that issue. Why was it waged on that issue? Why should any political party in a State like North Carolina, where, according to the last census, the negro population is barely one-third of the total—in other words, where there are two white men to every colored man; a condition of affairs which should not alarm the most timid citizen—why, with those conditions existing, should the question of negro supremacy be raised and made a political issue? Do my friends on the other side deny that such was the issue in the State of North Carolina in 1898? If so, I desire to read from the Wilmington Messenger of October 5, 1898. I have the paper itself here in the bound evidence in the case; but for convenience I will read from a smaller book.

The Wilmington Messenger of October 5, 1898, reports Hon. A. M. Waddell, one of the prominent men of that State, as saying—the report is under this caption:

Sizzling talk—Most remarkable speech by Hon. A. M. Waddell—This patriotic Carolinian utters the slogan of the campaign.

I now read from the article:

And now the almost unanimous belief, even among those who instigated it, is that the greatest crime that has ever been perpetrated against modern civilization was the investment of the negro with the right of suffrage.

Again he says:

There is with the people of eastern North Carolina no question of gold or silver or tariff or the like, and still less any question of mere local and factional politics. The man who would even for a moment inject such an issue into the contest is both a fool and an enemy of society.

And again:

You may devise 10,000 remedies and think they will be effective, but I tell you, after considering this subject for years, that there is but one—it includes all others—and that is to make it impossible for a negro ever to hold office in this State. Let them understand once for all that we will have no more of the intolerable conditions under which we live. We are resolved to change them if we have to choke the current of the Cape Fear with carcasses.

That, Mr. Speaker, is well called "the slogan of the Democratic campaign" in North Carolina in 1898.

If that was not the issue, why does Senator TILLMAN, of South Carolina, go across the line into the State of North Carolina in this same campaign and say to the people of North Carolina, "You are idiots if you do not stop talking and begin to shoot."

There is no question that the race issue in that election was the main issue of the campaign. Now, why was that so? The answer is not a very difficult one to find. The Republicans and Populists combined had carried the State in the previous election of 1896. They had entire control of the machinery of the State government. The Democrats were on the outside and wanted to get in again if possible. They knew that the administration of the fusionists, as they called them, for the two years preceding was honorable, straightforward, and satisfactory, and, not finding any issue in the management of the State's affairs under their control, they had to make up an outside issue. They were therefore compelled to resort to the only method left open to them in order to secure the support of a certain class of the population of the State, as I will show hereafter.

Negro supremacy was the issue that was raised. It was raised, I may say, not to have any particular effect upon the Congressional election, because the election of Congressmen that year was of comparatively little importance to the Democratic leaders. That was not the purpose. The game sought was entirely different, and the design was to secure control of the State government for party purposes. That was what they wanted. That was what they sought to secure. They therefore went into this campaign with the cry of negro domination, knowing that that cry would arouse all of the prejudice and hatred in the hearts of the unthinking, ignorant white people of the State. The Democrats in 1898 did not consider it nearly so important to get Congressmen from the various districts as it was to secure the control of the legislature. They wanted to get control of that legislature in order to give them the power and influence that they could not otherwise exercise in State affairs. They wanted the legislature; they wanted to control the State; and they resorted to all manner of political expedients to accomplish that purpose. They were willing to secure it, according to the testimony, even if a resort to intimidation and bloodshed were necessary.

The Democrats did not consider it in 1898 necessary to spend their good coin of the realm in order to get Congressmen of their own faith. They wanted the State legislature, and covered the State with money and perpetrated all manner of fraud, and were willing to exercise intimidation and shed blood, if necessary, to accomplish their purpose.

Now, Mr. Speaker, why were they so anxious and eager to secure the control of the State legislature? I can not say; but perhaps the constitutional amendments which the Democratic legislature formulated and have put before the people for adoption this year—amendments which disfranchise almost every colored voter in the State and which will disfranchise the greater part of the uneducated white voters, who are almost exclusively Republicans—I say that perhaps these constitutional amendments and the iniquitous law which was passed by this Democratic legislature in order to foist upon the people these amendments, may be, and I think, perhaps, can be, the only reasonable and proper explanation of their great desire to get control of the government of the State two years ago. And it may be also that their desire to secure absolute white supremacy, regarded by them as so important and especially desirable in certain circles in the State, will be found to mean a supremacy confined entirely to those who profess the Democratic faith.

Now, Mr. Speaker, it is not to be wondered at that a campaign waged on such issues should produce some extraordinary results; a campaign in which fraud, corruption, and bribery were rampant, and in which the Congressional elections were of minor importance as compared with the great results it was supposed would follow from obtaining control of the State government. It is inconceivable, sir, that in such an election as that, held under such peculiar conditions as I have described, a Democratic Congressman, holding the faith and professing the tenets of that

party, should not have received in the election unusual and perhaps unexpected support. It can not be doubted but that a Congressman running under such circumstances should have been benefited by the work of his party, although, as I have shown, little attention was paid to the election of Congressman.

It must be manifest that the influence which was controlling in the election would be potent in their behalf. It may be said that this cry of negro domination in the State did not enter materially into the Congressional campaign in the Ninth district, but it is as certain as the sunrise in the morning that this influence dominated the ballot throughout the entire State and had its effect upon the election we are now considering. This cry of negro domination arose in the eastern part of the State. The contestee denies that it had any effect whatever upon the election in his district. Let me tell you what was done in the eastern part of the State, and what effect it had everywhere in North Carolina. Both of the United States Senators and the governor, who had been announced to speak at political meetings in the State, were advised that it was better not to appear, because their presence before the voters might lead to riot and possibly to bloodshed.

They were not allowed, therefore, to address the voters in certain sections of the State, or take part in the political debates there, because their presence might lead to riot and bloodshed, and the Republicans in one county had to absolutely withdraw their ticket. Why? Because it was openly stated that if their voters went to the polls in that county their presence would have been followed by bloodshed and in all probability the greatest riot ever known in the history of the State.

Mr. Speaker, will any candid man say, or will it be contended here on the floor of the House, that the influence of such proceedings was not felt in all portions of that Commonwealth in the election immediately following their commission?

If there is any question as to their immediate and disastrous effect all over the State, I desire simply to refer to the testimony of one of the foremost citizens and Republicans of North Carolina, Senator J. C. PRITCHARD. It will be found on page 140 of the record, and is as follows:

Q. Did the inflammatory speeches of TILLMAN and others in the east and center influence voters in the west?

(Objection by contestee on the ground that the answer must naturally be purely one of opinion and not of a fact known to the witness.)

A. Yes; unquestionably so. The results that followed in the wake of the speeches to which you refer were more potent in influencing voters in the west than the speeches. I am informed that as a result of the inflammatory speeches, a reign of terror existed throughout the counties of Richmond, Robeson, New Hanover, and others. Republican and Populist speakers were prevented from addressing the people, and in some instances the Republican and Populist registrars and poll holders were driven from their homes by threats of violence, and the Democratic papers announced daily that these outrageous performances were necessary in order to protect the white people of the State and prevent the uprising of the negroes.

Finally the Republican ticket in the county of New Hanover was withdrawn at the suggestion of the governor of the State in order to prevent bloodshed and riot. He was informed by the Democratic managers that if the Republicans persisted in keeping their ticket in the field that there would be bloodshed, and that he would be held responsible for it. When it became known that the Republicans had withdrawn their ticket in that county it had a tendency to stampede the Republican forces throughout the State.

It was acknowledged as a quasi admission on the part of the Republican party that we were unable to resist by force the methods that were being employed by the Democrats for the purpose of getting control of the legisture.

That was the effect of the unlawful acts in the eastern part of the State. Those acts could have no other effect upon peaceable, law-abiding people, whether they lived in the eastern or the western part of the State. So much for general conditions in the State of North Carolina during that struggle of 1898.

Now for a few words concerning the origin of this contest. It comes to this body from the Ninth Congressional district of North Carolina, which for many miles borders on the State of South Carolina, and it is not surprising to find that some of the reprehensible election methods of the latter State crop out in this district.

The official returns of the secretary of state show for William T. Crawford, 19,606 votes; for Richmond Pearson, 19,368 votes; for George E. Boggs, 93 votes, making a plurality for Crawford over Pearson of 238 votes in a total of 39,067 votes cast.

The contestee concedes a clerical error of 10 votes in Cherokee County. A recount of the Muddy Creek precinct, in McDowell County, shows Pearson's vote was credited to Crawford and Crawford's vote was given to Pearson, Crawford by this transposition gaining 10 votes. The clerical error of 10 votes in Cherokee County and the 10 votes taken from Crawford which he gained by the transposition in McDowell County, which may have been a clerical mistake or which may have been fraudulent, it is not necessary to determine which, brings the plurality of the contestee down to 218 votes, which must be overcome in order to give the contestant the seat.

I want right at this point to call the attention of the House to the views of the minority in this particular. They go on for thirty-three pages raising all manner of questions, making all manner of statements of law and fact, yet nowhere in their views do they allude even to the fact that 20 votes should come off from Crawford's plurality by reason of clerical error and mistakes which he himself can not deny. I allude to that now simply to show the fairness and the judicial state of mind with which the minority have considered this case. I want to say also that the minority, in summing up their case, after going into it fairly and judicially, as they assure the House, conclude as follows:

We have carefully considered this case, and are of opinion that contestee was fairly and honestly elected by a majority of the votes. We think the contestant has utterly failed to show either facts or law sufficient to overthrow the returns regularly and legally certified, expressive of the popular will, in the Ninth North Carolina district.

Nowhere in their views do they attempt to define by actual figures the majority of votes received by contestee. They evidently go on the assumption that any Democratic candidate for office south of Mason and Dixon's line must necessarily have received a majority of the votes cast and that it is not worth while to count them to ascertain the exact size of the majority.

I now propose to call attention by way of comment to some of the statements of the minority, as set forth in their views, for the purpose of showing to the House the spirit with which they have taken up the matter and the skillful, I will not say unscrupulous, way in which they seek to hoodwink the members of this body and create in their minds a false impression as to the real facts in the case.

I want first to read this sentence on the first page of their views, and to impress it on the minds of the members of the House:

We respectfuliy submit that it is the duty of a committee appointed to judicially investigate a contested-election case to fairly state the issues of fact and law and the substance of the evidence, so that the House may be able to intelligently review the case.

That is very high ground indeed upon which to consider a contested-election case, and I wish the gentlemen who put forth that statement had maintained themselves on the high ground they professed to occupy. I will show just a few instances wherein they have fallen from it. The third sentence of their views on page 1 is a sample. They say:

We desire in the outset to call attention of the House to the fact that the district in question is not and never has been regarded as a Republican district. The district was organized in 1883, and the Democrats carried it in 1884, 1886, 1890, 1892, and 1898.

Why, Mr. Speaker, I was under the impression that the very question at issue here to-day is whether the Republicans or the Democrats carried that district in 1898, and that it will not be settled until we have voted on the resolutions now before us. Yet this judicial and fair-minded minority make the absolute statement that the Democrats carried the district in 1898. The very next sentence reads:

In the second place, it must be remembered that the election of 1898 was held under an election law passed by the Fusionists in 1895, which put every precinct in the State in the control of the friends of the contestant, the election board being composed of four Fusionists and two Democrats.

Mark you, the minority find and present as a fact to this House that the election machinery in 1898 was under the control of the friends of contestant. Why, Mr. Speaker, the contestee has made no such claim. He has adduced no such evidence. There is not one word of evidence in the record from contestee to bear out any such statement.

The most the contestee has said in this respect was the statement in his brief that Boggs, the Populist, was put in the running to help Pearson; and that brings me to the consideration of the status of this man Boggs. He was a candidate for Congress in that district. The contestant claims he was put in there to help Crawford. Crawford claims that he was put in to help Pearson. Now, let us see what the result of his candidacy was. Under the election law of the State he had the right to appoint a judge and a registrar of election in every precinct. There are 222 voting precincts in the district. In 192 out of the 222 Boggs did not get a single vote; not even the vote of the two election officers he had the right to name in the precinct. That shows conclusively that Boggs was in the campaign to help somebody. Now, who? Well, perhaps a reference to the record on that point may give the House some light. I read from the testimony of James R. Love, who was chairman of the Populist executive committee in Jackson County, on page 62 of the record:

Q. Did you regard the alleged nomination of Boggs as binding upon the Populist party, or did you regard it as a scheme to aid Mr. Crawford?

The contestee objected to the question, and he answered:

I regarded it as a scheme to aid Crawford, and the majority of the Populists of this county did, or at least they represented it to me that way.

So, Mr. Chairman, there is the only evidence in that record as to Boggs's status—whether he was there to help Pearson or to help Crawford. Now, the House may get a little more light upon it when I say to them that since the election in 1898 this man Boggs has come out in the press of his own State over his own signature and declared himself to be a Democrat. So much for Boggs's attitude.

The next few lines following those last read again show how the minority attempt to mislead the House. They say:

And the irregularities complained of were committed by the political friends and allies of contestant, who composed a majority of the board of election.

Finding as a fact, without any testimony in the record except what I have read, that Boggs was in the race to help Pearson and acting in his interest and presenting it to this House as a fact that the majority of the election officers were friends of Pearson. That is the first page of the views of the minority. The second page is given over almost entirely to quoting from the majority report what was there said with regard to certain spurious letters which were put forth during the campaign to injure the contestant. I want to take just a few moments to go into these letters. There were some fifteen or sixteen of them in evidence. An indefinite number was sent broadcast over some of the counties, but fifteen or sixteen were put in evidence by the contestant. To show the deviltry of the letters themselves, I will read just a few of them at random. I wish to say before reading that some of these letters were sent out on the official paper of the Republican county or Congressional organization, and they had on their face every evidence of being genuine and authentic. Here is one:

NOVEMBER 6.

Mr. T. J. FRANKLIN, *Leicester, N. C.*

MY DEAR SIR: Please see Mr. J. E. Hall on election morning and he will give you $10, handed him for you to use on that day. Do the best you can with this amount and oblige.

Yours, very truly,

V. B. McGAHA,
Chairman Republican Congressional Executive Committee,
Asheville, N. C.

Another one:

Mr. CLAY RANDALL, *Sandy Mush, N. C.*

MY DEAR SIR: We look to you for good work on election day. See T. J. Ferguson on that day and he will hand you $24 for use for the best interests of our ticket. Be quiet and with good work we are assured of success.

Truly, yours,

I. A. HARRIS, *Chairman.*

Mr. MIERS of Indiana. Will the gentleman from Massachusetts allow me one question?

Mr. ROBERTS. Oh, certainly.

Mr. MIERS of Indiana. Where in the record is there any evidence showing that these letters were not genuine?

Mr. ROBERTS. Mr. Chairman, I am glad the gentleman has asked that. I might have forgotten to point it out; but I do not think I would. If, however, he will be patient until I read one or two of these letters, I will point him to the record and the evidence in that respect. And now another one:

ASHEVILLE, N. C., *November 6.*

MY DEAR SIR: See J. R. Brigman on election morning and get $25 handed him for you to use on that day. Use this money quietly, and we hope for good returns from your precinct.

Truly,

RICHMOND PEARSON.
Per M.

Mr. W. S. ROBERTS, *Flat Creek.*

Another one:

ASHEVILLE, N. C., *November 6.*

DEAR SIR: Mr. J. N. Morgan will hand you $9 on the morning of the election. See him, and work until sundown for our ticket. We look to Ivy for a big majority.

Very truly,

RICHMOND PEARSON.

Mr. J. M. WHITTEMORE,
Barnardsville, N. C.

And so it went on. Mr. Speaker, the gentleman from Indiana has asked me where in the record is to be found any denial of the authenticity of these letters. I take it, Mr. Speaker, that the record of this case is made up not only upon the printed evidence taken in North Carolina, but it is made up of oral statements made before the committee of this House. If I am in error, I accept correction by any gentleman here. I want to say with regard to the authenticity of these letters sent broadcast throughout that district, the contestant, Mr. Pearson, in his notice of contest, in his brief, in person before our committee, and in the presence of the minority, denounced these letters as fraudulent, spurious, and unauthorized.

Why, Mr. Speaker, can it be conceived that the person who was to be injured by the circulation of such letters should have put them out?

Mr. MIERS of Indiana. Will the gentleman allow me an interruption?

Mr. ROBERTS. Certainly.

Mr. MIERS of Indiana. You do not pretend to say that Mr. Pearson went on the witness stand and denied the authenticity of these letters, do you?

Mr. ROBERTS. Mr. Speaker, I do not say that Mr. Pearson went upon the witness stand and denied the authenticity of the letters; I say that he was before our committee. He was not under oath, to be sure, because we do not consider it necessary to put a gentleman under oath when he appears and argues his own case.

Mr. MIERS of Indiana. Do you think that this case should be considered on the testimony and the record, or on the arguments of counsel?

Mr. ROBERTS. This case must be considered upon both the testimony and the arguments before the committee. There is no question about that. I want to say further that there was evidence denying the authenticity of these letters.

Mr. MIERS of Indiana. By one Moore, and nobody else.

Mr. ROBERTS. By one C. B. Moore.

Mr. MIERS of Indiana. Who denied simply as to one letter being written by him.

Mr. ROBERTS. C. B. Moore, who was secretary of the Republican committee, says on page 100:

Q. You have no personal knowledge that any of those letters were sent out prior to the election?

A. No. I wish to state here that one of those letters bears my name as signed in type to the end of it, and I wish to say that I never wrote it or authorized it to be written.

These letters purported to be authorized and to come from the very committee of which he was secretary, and the one that bore his name in typewriting he denies absolutely. All of these letters were of the same tenor. Why, I have them right here. Here are fifteen of them altogether. I would like the members of this House, each one, to look at these letters, which, with their envelopes, are here, in view of what I am now about to say. The minority of the committee, after quoting one or two of these letters, say:

There is, in the first place, absolutely no evidence that the above set out letters were spurious or unauthorized, or that any other letters complained of by contestant were spurious or unauthorized, except one which purported to be signed by C. B. Moore (page 100 of record).

Ignoring the statement orally made to them by the contestant, ignoring the denial in his brief, which is before every member here, ignoring his denial in the notice of the contest.

Following this, the minority say:

In the second place, there is not a scintilla of evidence that the contestee or any supporter of his had anything whatever to do with the letters complained of, and, in the third place, there is no evidence that a single man in the district was influenced to vote against contestant on account of said letters.

I want to call the attention of the House to the action of the minority in willfully suppressing the evidence that is before this body and which they might have found by a little diligence. This is the minority who say that it is their duty to fairly state the issues and facts and the substance of the evidence. Let us see what the evidence is in regard to this.

Among these letters which I have here there is one signed by W. H. Deaver with a pen, in which he applies to the captain of the Capitol police at Washington for a position on the police force here. By turning to the testimony of Marcus Erwin, we find that Marcus Erwin admits writing on his typewriter that letter signed by Deaver. By turning to the evidence of C. B. Moore, who claims knowledge of and familiarity with different kinds of typewriters, we find him saying that the letters signed in typewriter, all those that are in here, and the letter signed by Deaver, are in the same character and style of type, and exactly the same ink, and to all intents and purposes came from the same machine.

Now, the minority say that the authenticity of these letters is not traced to any friend or supporter of the contestee. Who was Marcus Erwin? Secretary of the executive committee of the Ninth Congressional Democratic campaign committee of North Carolina. Why, Mr. Speaker, when the minority say there is not a scintilla of evidence in the case, they, as lawyers, know what that means. The absence of a scintilla of evidence means there was absolutely no evidence whatever on the point at issue. Mr. Speaker, while this case was being considered by the Committee on Elections a man over in the city of New York was condemned to the electric chair at Sing Sing on circumstantial evidence no stronger than this, which points the authorship of these letters to Marcus Erwin, who was the supporter of the contestee. And yet the minority tell this House there is not a scintilla of evidence on the question.

Mr. KITCHIN. Would it interrupt the gentleman if I put a question right on that point?

Mr. ROBERTS. No.

Mr. KITCHIN. As I understand the argument, Mr. Erwin had a machine like that in his office and used it, and that it was the same character of type. Now, is not the gentleman aware that C. B. Moore, whom he has just been quoting from, who was secretary of the Republican committee, stated that he had a machine just like that in his office at that time? On page 100 is it not admitted that the secretary of the Republican committee had a machine of exactly the same character?

Mr. ROBERTS. I want to call the attention of the gentleman from North Carolina to a fact that he seems to have forgotten—that Moore, who had a machine like that, denied writing these spurious letters.

Mr. KITCHIN. He only denied writing one letter.

Mr. ROBERTS. He denied writing the others; never knew anything about them; never saw them; never authorized them.

Mr. KITCHIN. You will find no denial of anything except that one letter.

Mr. ROBERTS. Now, Mr. Speaker, continuing with these views of the minority—and I cite this to show how unfair they have been with this House on another point in giving what purports to be the substance of the evidence—to prove that no one was influenced by these fraudulent letters they cite the testimony of George Whittemore, jr., who, being put on the stand by the contestant, testified on cross-examination as follows:

Q. Did you vote for him (Mr. Crawford) because of a letter—that letter that Mr. J. M. Whittemore got—purporting to have come from Mr. Pearson?
A. I did not.

They do not say anything to this House about the questions and answers immediately following the question and answer they have quoted. I am going to read them, in order that this House may see how the minority have tried to cover up and conceal from this House a fair statement of the law and the evidence. Continuing right after the question and answer I have read comes the following testimony:

Q. Did you see or know of that letter before you cast your ballot?
A. I could not tell.
Q. You were a Republican, were you not?
A. Yes.
Q. What made you vote for Crawford?
A. I had had a talk with Manney.
Q. Did Manney persuade you to vote for Crawford?
A. He rather forced me into it.
Q. How did he force you?
A. By having a mortgage on me, and I couldn't pay it.
Q. What did he do or say that forced you to vote for Crawford?
A. He told me it I didn't right then that he would close out his mortgage, and I had no way at all of paying it at that time.
Q. And you voted for Crawford to get time on the Manney mortgage?
A. He told me that he would give it up, and be even, if I would, and I agreed to it.
Cross-examination by CONTESTEE:
Q. Did you take an oath to support the Constitution of the United States and the constitution and laws of North Carolina when you registered as a voter?
A. I think that I registered that way.
Q. So you knowingly committed perjury, and received a bribe for your vote?
(Contestant objects as unfair to the witness.)
A. Being poor, and having orphan, motherless children, I could not help myself.
Q. What was the amount of the Manney mortgage?
A. Five dollars.
Q. How much property did you have mortgaged?
A. I think it was a small little heifer and a little pig.

Mark you, after quoting the one question and answer of this witness, ignoring the questions and answers I have just read, this minority—this judicial, fair-minded body of men, who say it is their duty to state the substance of the evidence fairly to this House—say this:

As to intimidation, the evidence shows that not a single voter in the district was intimidated to vote for the contestee or to refrain from voting for the contestant, and that the campaign and election were quiet, peaceable, and orderly.

"A free ballot and a fair count!" Why, Mr. Speaker, the transaction which I have just read from the evidence of George Whittemore, jr., was both bribery and intimidation. He was forced by reason of his poverty to do an act which he did not want to do. Yet this minority tells you there was not a single voter intimidated in the whole district!

One-half of the next page is devoted by the minority to discussing and trying to prove what the majority have never undertaken to dispute—that the election among the Indians was peaceable and orderly. The minority do not attempt to say to this House that the majority have undertaken to show that the election among the Indians was not peaceable and orderly. They go back to the contestant's notice of contest and lug that in for the purpose of knocking down a straw man.

Just one other point, and then I am done with this portion of the case. The majority, in their report, in setting forth the grounds of the contest, used this language:

Contestant further alleges in his notice that many spurious, false, and fraudulent letters with contestant's name attached were circulated in the district in the interest of contestee and to the injury of contestant; that many Republicans were intimidated and others bribed to abstain from voting; that the campaign, waged solely on the race issue, with intense bitterness—

This is what I want to call particular attention to—

culminated in the lynching of a negro on the night before election, and that the leaders in the lynching were the chief participants in a bloody political riot on election day.

That, Mr. Speaker, was all that the majority in their report had to say with regard to the lynching of the negro Mosely. We did not in making up our report consider what effect, if any, that lynching had upon the election. We did not go into the question as to whether or not it had political significance. We ignored it. Now, what have the minority done? The lynching of the negro was not a factor in the majority report. It was not alluded to, except in less than four lines necessary to include it as one of the grounds of the original contest.

Mr. MIERS of Indiana. If it will not confuse the gentleman, I wish he would read those four lines. They are on the third page, beginning with the words "It is impossible for the committee to define."

Mr. ROBERTS. If the gentleman has made any point in his question or remark, I am so dense I do not see it.

Mr. MIERS of Indiana. Will the gentleman permit me to read those four lines and let the House see whether I am as dense as the gentleman?

Mr. ROBERTS. If the gentleman will pardon me, I will exhibit my own density to the House for his satisfaction, and will read myself what is alluded to, which I understand to be this:

It is impossible for the committee to define the scope or to estimate the effect, in precise words or figures of arithmetic, of the influence of intimidation, of the circulation of these letters, of the bribing of Republicans to stay away from the polls, and of mob violence on the night preceding and on the day of election.

Mr. MIERS of Indiana. Now, if the gentleman does not refer to the mob on the night of election, what does he refer to?

Mr. ROBERTS. What is the point of the gentleman's remark? I have stated that we do not take it into consideration in making up our report, and that bears me out. It is so stated in the report. We do not take it into consideration because we could not, under the circumstances, attach proper value to it, and it was not necessary to a determination of the case. There were other grounds more direct, the result of which we could see, to which we could attach value, on which we based our report. So we did not go into what we considered side issues. But what do the minority do? They take 6½ pages of their views, 6½ of the 33 pages, and devote it to argument and evidence on that question of lynching. They bring out all the evidence; they bring out interviews with people as to the effect of the lynching; they make comparisons of votes to show it had no effect; and then—and here is why I am referring to this—after spending six and a half pages of their valuable brief, they say this:

In view of the foregoing testimony we are at a loss to see why the majority should have dragged this unfortunate occurrence into this contest.

Mr. MIERS of Indiana. Now, will the gentleman allow me?

Mr. ROBERTS. Now, Mr. Speaker, who dragged this into the contest? Who has given up valuable space in report or views to setting it out? The majority were willing to drop it by merely referring to it as one of the grounds of contest.

Mr. MIERS of Indiana. Will you allow me a question at this point?

Mr. ROBERTS. Certainly.

Mr. MIERS of Indiana. Then, do I understand you to abandon now, once and for all, that feature, and say that the mobbing of negroes the night before the election had no effect on the election? Is that your petition?

Mr. ROBERTS. Mr. Speaker, if the gentleman so understands me he misunderstands me. I have not said that we abandon it. I have said we do not take it into account in deciding the case. While we believe there may have been some weight attached to it, we do not attempt to weigh its value. We do not waste time on such things on our side of the case. We tried to confine ourselves to those that are material and which he who runs may read and know the value thereof.

Mr. Speaker, we now come down to some of the real, important issues in this contest. The first one I shall discuss is the action of the committee with regard to South Waynesville, and in discussing this I will say incidentally that much will be said that will have reference to the action of the committee on the Montezuma precinct and on the Marble precinct as well.

In South Waynesville it was charged that the ballot box was not examined before the polls were opened and the balloting began, as is required by the laws of North Carolina. It is further charged that when the balloting had closed and they were counting out or about to count out, it was discovered that there were several hundred ballots in that box which had no right to be there. It is further charged that the man who counted out the ballots in that box was a mere usurper, not an election officer under the laws of the State; that he had no right whatever to count or to touch those ballots. It was further alleged against this precinct that there was defective registration, fatally defective under the laws of North Carolina, which, had there been no other complaint at all against the box, would have caused it to be thrown out.

I do not propose to take much time with regard to the old ballots and the usurper who was counting them, but I will say this: There is no question on the evidence that there were more ballots in that box than belonged there. There is a serious dispute between the witnesses on either side as to the nature and character of the extra ballots. There is also serious dispute as to when those spurious ballots were discovered in that box. There is also dispute as to whether or not the ballots cast in 1898 were properly removed from what were alleged to have been the county ballots of 1896. I want to call the attention of the House to this one fact, which is pregnant in this case. That ballot box was not opened

before the balloting began, as the law directs. There was no evidence that more ballots were put into it while the voting was in progress than there were lawful voters to cast ballots; so the box was not stuffed while the balloting was going on. There is no evidence, and there can be no evidence from the nature of the case, as to what ballots really were in the box at the opening of the polls. Witnesses for contestant, who stood about and saw this man Stringfield, the usurper, counting out and handling the ballots, state positively that the extra ballots in the bottom of the box were old Congressional ballots of 1896.

Mr. MIERS of Indiana. County tickets.

Mr. ROBERTS. The witnesses who stood about and saw Stringfield take those ballots out testify, at least one of them, that they were Congressional tickets of 1896. One of the witnesses saw Pearson's name on some of the tickets that were taken out, which Stringfield, the usurper, says were county tickets of 1896.

Now, let us see. Stringfield says, "I was sworn in as a clerk of election."

Mr. Speaker, the law of North Carolina does not recognize a clerk of election. No such official is known to the law. The only election officers known are those provided for in the statute, which are a judge of election and a registrar—two, not three. No clerk whatever is authorized. He was simply sworn in as a clerk. Some one was called away in the course of the day. He, according to the story of some, was asked to proceed, and he did, either as a judge or registrar, taking an active part in the election all the rest of the day, and he counted out the ballots in the Congressional box.

The law of North Carolina says that every person who acts as an election officer shall take a certain prescribed oath, and that that oath shall be filed with the clerk of the county. Nowhere in this record is it claimed that this man Stringfield ever took that oath or that it was ever filed with the proper custodian thereof. When Stringfield was counting out the ballots, this is his story——

The SPEAKER pro tempore (Mr. DALZELL). The time of the gentleman has expired.

Mr. ROBERTS. Mr. Speaker, I ask the consent of the House to be allowed to finish my remarks within the time on our side.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that he be permitted to conclude his remarks. Is there objection?

Mr. MIERS of Indiana. I should like to inquire at this point, reserving the right to object, if we may not at this point agree to four hours' discussion on a side? Then there will be no trouble about this matter.

Mr. ROBERTS. Mr. Speaker, however much I would like to oblige the gentleman from Indiana, I do not feel that the time of the House should be so prolonged as to give eight hours' discussion in this case, and I do not feel that I can agree. As I said to the gentleman earlier in the day, if he will agree that the discussion may run until 1 o'clock to-morrow, or even until 2 o'clock to-morrow, the time to be evenly divided between both sides and the previous question then to be considered as ordered, with both resolutions pending, I will agree to that. That will give substantially three hours on a side.

Mr. MIERS of Indiana. I will say to the gentleman very frankly that we have arranged that I shall make the first argument, Mr. KITCHIN the next, and Mr. CRAWFORD the third, and the gentleman from Massachusetts [Mr. ROBERTS] has demonstrated the fact that a man can not cover this case in an hour. We want simply an hour and twenty minutes each, in order that we may cover the case. It seems to me that the gentleman has thoroughly demonstrated that that much time is necessary, and that we ought to be allowed that much time. If the gentleman does not agree to that, I shall make no objection to his request for the extension of his own time, but will take the opportunity to renew the request when we come to our side of the case. This case can not be properly covered in an hour, as the gentleman has demonstrated.

Mr. ROBERTS. If the gentleman is willing to agree to three hours on a side, to date from the time when my remarks began, I will agree to that. That will bring it to a little after 2 o'clock to-morrow. Now, I want to say right here with regard to my request for an extension of time, indicating that it is impossible to discuss this case within the hour, that had I arranged that every moment of this time be taken up by other speakers than myself, I could have finished inside of the hour easily, but not having more than one other speaker on this side, perhaps, I have gone along leisurely with the argument and gone into details that I should have left out except for that fact, which, perhaps, had no business in my argument and are unnecessary to enlighten the House. I hope the gentleman will agree to three hours on a side.

Mr. MIERS of Indiana. We can not agree to three hours on this side. We need four hours, and will hope that the generosity of the House will allow us that. Unless we can secure four hours, we can make no agreement at this time, but will not object to the gentleman proceeding.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. ROBERTS]?

Mr. ROBERTS. Mr. Speaker, after my time is extended, then I will talk further with the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. ROBERTS] that he be allowed to finish his remarks?

There was no objection.

Mr. ROBERTS. Now, Mr. Speaker, with regard to the time for closing debate, I want to be perfectly fair and give the gentleman a fair amount of time. I will agree that they have four hours on their side, and that we take three hours on our side, and that they will arrange so that they will use their time so that I have the closing hour. Now, I can not make anything fairer than that.

Mr. MIERS of Indiana. That is fair, except in one respect.

Mr. ROBERTS. You certainly do not want to close?

Mr. MIERS of Indiana. Oh, no; we do not. I presume the contestant will desire to make an argument in the case. I do not propose to enter any objection, except that I do not want the contestant to have the closing argument on your side. With the exception of that, we are ready to agree to what you propose.

Mr. ROBERTS. I can not agree to that. If the gentleman insists upon that as a condition precedent, I can not agree.

Mr. MIERS of Indiana. We will not object to Mr. Pearson making an argument, but we do not want him to have the closing argument.

Mr. ROBERTS. I do not think when the gentleman comes to us for a favor he should dictate as to how we shall use the time; I think that that is a little too grasping on that side. The burden of the proof is upon us.

The SPEAKER pro tempore. The Chair will state to the gentleman from Massachusetts that it requires unanimous consent for the contestant to make an argument in the case.

Mr. MIERS of Indiana. I am not objecting, excepting to his making the closing argument. To that I would object.

Mr. ROBERTS. Mr. Speaker, if the gentleman will agree that contestant may speak, that there shall be no objection from his side of the Chamber so far as he can control it, I will agree. I will ask now that Mr. Pearson may speak, and I will agree that he shall not close debate on this side.

Mr. MIERS of Indiana. And that on this side we have four hours.

Mr. ROBERTS. I to control the closing hour.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the debate close at the expiration of seven hours, four hours to be controlled by the minority, and three by the majority, and that the contestant shall be allowed to participate in the argument, but not to close.

Mr. MIERS of Indiana. With the agreement that one argument be made on our side after Mr. Pearson.

Mr. ROBERTS. I object to that part of it.

The SPEAKER pro tempore. Is there objection?

Mr. MIERS of Indiana. If they give us an argument after the contestant's argument, there is no objection; and unless they make that agreement, I object.

The SPEAKER pro tempore. Objection is made.

Mr. ROBERTS. Mr. Speaker, when interrupted I was detailing the action of this Stringfield, the usurper, in counting the ballots and had got to the point where he tells his story of how he discovered the extra ballots. He said that he had nearly counted the Congressional ballot, when it became apparent to him that there were more ballots in the box than should be there; and he said, "Hold on; stand back, everybody; there are more ballots than there ought to be;" and he took these ballots out of the box one at a time and selected the Congressional ballots of 1898, and the others, which he says were county ballots of 1896, were put into another box and sealed up.

Let us follow that out and see how far the facts sustain the story of this man Stringfield. The contestee asked a recount of that box said to have contained the spurious tickets and county tickets of 1896, and when they were counted among them were found two Congressional tickets of 1898, showing either that Stringfield lied when he said he went over these ballots one at a time and took out all the Congressional ballots of 1898, or else it shows this, that among those ballots there were tickets of 1898 which were never cast by any voter in 1898—tickets put into that box before ever the vote of a legal voter went into it that day. Further, in this precinct of South Waynesville there was an increase of practically a hundred votes for the Democractic ticket in 1898 over their majority in 1896, which was Presidential year, while the Republican plurality remained practically the same, notwithstanding the fact that in 1898 there was a company of soldiers from that neighborhood serving in the Spanish war and the voting population reduced to that extent.

A jump of 100 plurality right at this suspected box, which had three to four hundred tickets more than should have been here,

about which there is so much dispute and contention as to what those tickets were, and yet the minority says nothing was done there that was not all right and proper, and Mr. Stringfield should be relied upon implicitly in his statement as to what those tickets really were.

Mr. MIERS of Indiana. Let me see if I understand the gentleman. You mean to say that in 1898 in that ballot box there were 100 more tickets counted than in 1896?

Mr. ROBERTS. I mean to say this: That in 1898 at the South Waynesville precinct the Democratic plurality was 98 greater than the Democratic plurality in 1896 in that same precinct.

Mr. MIERS of Indiana. That is right.

Mr. ROBERTS. I mean to say that in an off year, when the vote naturally should fall off, when it does in every other precinct, when there was the same relative proportion in other precincts in this district, where there were no charges of fraud, that in this precinct, where there are charges of fraud, there was this sudden and unaccountable jump of 98 votes in favor of the Democratic ticket.

There is one other point I wish to allude to right here. The contestee knew that the integrity of this box had been challenged. He knew it would be disputed; he knew the contestant would try to have it thrown out for irregularities alleged. If he had faith in the ballots that were left in that Congressional box, why did not he attempt to prove his vote there aliunde by a recount, in order that if the box should be thrown out he would still have proof of the vote he received there? Why did not he attempt to prove his vote aliunde, by calling voters to the number that was given him and so prove that he got their votes?

There is only one inference that can be drawn from his failure to do so and that is that he did not dare to have the box recounted, which contained the Congressional tickets that had been taken out of a box, containing God knows what tickets, tickets about which we have no positive testimony from anybody as to what they were. He did not dare to open the Congressional box and prove by a recount that the return of the officers was straight and all right.

Mr. KITCHIN. May I interrupt the gentleman?

Mr. ROBERTS. Certainly.

Mr. KITCHIN. The gentleman ought to be aware that there is no fraud charged anywhere to this precinct; that it is nowhere alleged that these votes were not cast and counted correctly. The gentleman must be aware that proof aliunde only applies when the returns have been cast aside or been questioned, and there is no question whatever about these returns; the only point made by the other side being that the mandatory statutes, as they say, had been violated.

Mr. ROBERTS. Does the gentleman mean to claim that, the mandatory statutes having been violated, that does not throw out the returns and put the party to proof aliunde?

Mr. KITCHIN. If the mandatory statute had been violated; but there is no proof that it was.

Mr. ROBERTS. There was fraud charged there. It was charged that the ballot box was not examined before the balloting commenced. It was charged that old ballots were found in it. It is charged that bribery was committed in that precinct. It was charged that intimidation took place at that precinct. It is charged that there was defective registration there. Why, Mr. Speaker, almost everything that can be charged against the integrity of the ballot was charged in that precinct, and yet the gentleman from North Carolina claims that there was nothing set out to put the contestee to the proof of his vote aliunde. Well, if the gentleman takes that view of it, I am content.

Again, when were the spurious ballots discovered? Stringfield says they were not discovered until he had nearly counted out the Congressional vote. The Congressional vote was three hundred and odd, and there were 357 spurious ballots in there, making in all nearly 700 ballots in that box. I never have seen a North Carolina ballot box, but they tell me that it is a very small box and that 700 ballots would fill it so it would make it impossible to put in another ballot. In other words, it is absolutely impossible for an honest election official to have put three hundred-odd votes cast during the day into that box that already had 360 votes in it without knowing that there were more votes in the box than belonged there. They must have been crowded down to get the others in. He must have known, if he had any knowledge or intelligence, and was honest, that long before that balloting closed there were more ballots in the box than belonged there.

Let us see what the testimony is about that. H. V. Corkran, one of the registrars of the election, says he was just leaving the room before the counting began, when he heard some one say that there were more ballots in the box than belonged there. Before the counting began, we have the testimony of one of the registrars, it was discovered that more ballots were in the box than belonged there; and yet this man Stringfield says the surpiusage was not discovered until the Congressional count had been nearly completed; in other words, until over 300 votes had been taken out of the box and counted. Can any sensible man be expected to believe such a statement as that? So much for the facts.

Now, as to the law applicable in this case, the majority of the committee have cited the case of Covode *vs.* Foster in substantiation of their action in throwing out the returns of this precinct. That case is found in 2 Bartlett, page 602. The syllabus says:

Where the proceedings are so tarnished by fraudulent, negative, or improper conduct as to render the returns unreliable, the entire poll may be thrown out.

Where the State registration law requires assessment for taxes as a condition of voting and it was disregarded by the election officers, it was held that the poll shall be rejected.

This brings us down to the consideration of another feature of the case; and I want the House to understand that this one point, decided as the case I have just quoted holds it should be decided, settles the case in favor of Pearson. That feature is whether certain provisions of the election law are mandatory or directory. The case of Covode *vs.* Foster, which holds that when the registration law requires assessment for taxes as a condition of voting and it is disregarded by the election officers, the poll must be thrown out.

Now as to the precincts of South Waynesville and Marble and Montezuma, it has been alleged and proven that there was a violation of the election law of North Carolina with regard to the registration. The election law of that State provides that a registration shall be held on certain days and at certain places; and to make it emphatic, to leave no question as to the mandatory nature of that law, it goes on to say:

Provided, That no registration shall be had except at the places and times hereinafter provided.

It is admitted that the registration was had in South Waynesville at times and places other than those provided by law. It is admitted that the same thing took place in Marble. It is admitted that the same thing took place in Montezuma. I want the House to consider this matter for a moment because it is a beautiful case of getting "hoist with one's own petard."

The contestee came in and said in his brief: "There was a defective registration in Montezuma; that is unlawful in North Carolina; the law is mandatory, and we must throw out the returns in Montezuma." The committee began to consider the matter. They looked at his authorities; they looked at all the authorities they could find. They began to look over the contestant's brief; and they found the contestant alleging the same thing as to Marble and South Waynesville—defective registration; and it was claimed that under the mandatory provisions of the law of North Carolina those returns must be thrown out. What did the committee do? They took the construction for which the contestee in his brief contended and for which the contestant in his brief contended. They adopted the construction that the law was mandatory and threw out the vote of Montezuma, Marble, and South Waynesville, because of defective registration. The result was that correcting the clerical errors which the contestee admits, amounting to 20 votes, and deducting also 5 votes which he practically admits were bought and which he seems willing to have thrown out—the contestant is seated by a majority of 2 votes.

The committee were hearing the argument of Mr. Gilmer, the attorney for the contestee, in the course of which he stated to the committee that the law of North Carolina in regard to registration was mandatory. He was asked if he realized what that contention meant to his case. Thereupon another counsel for the contestee who was present and whose brain acted a little more quickly perhaps than that of Mr. Gilmer—who saw the bearing of this contention—said, "Oh, no, Mr. Gilmer, you are wrong; we do not admit, much less claim, that this law is mandatory; it is directory merely; there is no doubt about that." Then, the question was asked of Mr. Gilmer again; and, then, with Mr. Busbee tugging at his coat tails, he did not know just "where he was at," and, finally, said, "Well, the law of North Carolina is equally mandatory or directory as to both time and place." Busbee had tried to draw a distinction of that kind. That admission went in; the minority in their views make that admission. They say that if the election laws of North Carolina are mandatory as to time, they are mandatory as to the place of registration; and if directory as to the time, they are directory as to the place.

Let us go a little further. I have just read from the syllabus in the case of Covode *vs.* Foster. Let me refer to the language of the case. Remember, I am not now reading the testimony of what happened at South Waynesville. I am giving you a precedent in the case of Covode *vs.* Foster. Listen for a moment to the facts in that case:

When the votes were being counted in the evening, the Democratic clerk was taken sick and William Speers was asked to take his place, and without being sworn first as clerk, until the close of the count.

On counting, 6 ballots were found in the boxes more than the names of persons having voted on the tally lists of the clerk, which agreed, and only one person is shown to have voted whose name is not on the list.

The use of the hat and cigar box, the transfer of the ballots from them to

the regular boxes when received, and the permitting Speers to act as clerk without being sworn, were contrary to the provisions of the election laws of Pennsylvania.

To allow persons other than officers of the election to enter the room in which they were performing their duties is held in Thompson *vs.* Ewing (1 Brewster Rep., 110) to be decidedly improper, while the not requiring proof of naturalization, and refusing to investigate challenges or to conduct the election in such a manner as to prevent challeges being made and passed on, are declared by Allison, P. J., in giving the judgment of the court in the contested-election cases of 1857 (1 Brewster, 174), to be not violative of directory requirements merely, but particulars which are absolutely essential to a due election.

From all the evidence I think we must conclude that the returns of such an election are too unreliable to be received, and as neither party has attempted to prove what votes were cast for him at that election, that the whole poll of Dunbar Township must be rejected.

I might say right here that the minority claim this case is not in point, and has no bearing whatever on the facts as brought out at South Waynesville. The cases are alike as two peas in a pod. You could not make a case more pat with the facts in South Waynesville on that branch of the subject, to wit, throwing out the returns there because of so much uncertainty as to the true results, and because of the action of the volunteer, Stringfield, who was not a proper election official.

I do not care to waste any more time, Mr. Speaker, in bringing up cases to prove that the poll should be thrown out because of the action of the volunteer, Stringfield, and the uncertain condition of the ballot box, with its great wealth of ballots, about which there is so much dispute and so much uncertainty as to their nature. I propose instead to address myself to the law bearing on the mandatory or directory provisions of the North Carolina statute. The minority tell us that the House should and must follow the decisions of the highest courts of the States with regard to contested-election cases. I do not agree with any such proposition as that. They say it always has been done. I want to read right on that point from McCrary on Elections, fourth edition, section 457:

The House of Representatives of the United States, in construing a State law, will follow the construction given it by the authorities of the State whose duty it is to construe and execute it. Where a given construction has been adopted and acted upon by the State authorities, the Federal Government should abide by and follow it. It was so held by the House of Representatives of the United States in the matter of the election of Representative from the State of Tennessee. The report of the committee has this language:

"It is a well-established and most salutary rule that where the proper authorities of the State government have given a construction to their own constitution or statutes, that construction will be followed by the Federal authorities. This rule is absolutely necessary to the harmonious working of our complex governments, State and national, and your committee are not disposed to be the first to depart from it."

And in the case of Burch *vs.* Van Horn the House refused to go into an inquiry as to the validity of the new constitution of Missouri, upon the ground that it had been recognized as valid by the people and by all of the departments of the State government.

457a. In the case of Clayton *vs.* Breckenridge, the question arose whether the House of Representatives should be bound by the result of the trial of a criminal case where parties charged with election frauds had been acquitted. It was there held that such a trial was not an adjudication binding on the House in a case involving the same frauds.

Again, on the same point, in Lynch *vs.* Chalmers, found in 2 Ellsworth, I read from pages 346 and 347:

It is seriously contended by the contestee that the decision of the supreme court of Mississippi construing the sections of the election laws of that State ought to be followed by Congress: that it is against the settled doctrine of both Congress and the Federal judiciary to disregard the decisions of State tribunals in construing their own local laws. This is too broadly asserted and can not be maintained. It is true that where a decision or line of decisions has been made by the judiciary of the States and those decisions have become a "rule of property," the Federal judiciary will follow them. Not to do so would continually place titles to property in jeopardy and disturb all business transactions. The rule as to all other questions is well stated in Township of Pine Grove *vs.* Talcott (19 Wall., 666-667), as follows:

It is insisted that the invalidity of the statute has been determined by two judgments of the supreme court of Michigan, and that we are bound to follow these adjudications. With all respect for the eminent tribunal by which the judgments were pronounced, we must be permitted to say that they are not satisfactory to our minds. * * * The question before us belongs to the domain of general jurisprudence. In this class of cases this court is not bound by the judgments of the courts of States where the case arise; it must hear and determine for itself.

There is still another reason why Congress should not be bound by the decisions of State tribunals with regard to election laws, unless such decisions are founded upon sound principles and comport with reason and justice, which does not apply to the Federal judiciary, and it is this: Where Congress has failed to enact laws on that subject, and is adopted by Congress for the purpose of the election of its own members. To say that Congress shall be absolutely bound by State adjudications on the subject of the election of its own members is subversive of the constitutional provision that each House shall be the judge of the election, qualifications, and returns of its own members, and is likewise inimical to the soundest principles of national unity. We can not safely say that it is simply the duty of this House to register the decrees of State officials relative to the election of its own members.

The foundation of this contention is that if the Congress of the United States fails to enact election laws, and makes use of State laws for its purposes, it adopts not only the laws thus enacted, but the judicial construction of them by the State as well.

We do not agree that this is the rule except as it may apply to a "positive statue of the State, and the construction thereof, adopted by the local tribunals, and to rights and titles to things, have a permanent locality, such as the rights and titles to real estate, and other matters immovable and intraterritorial in their nature and character." (Swift *vs.* Tyson, 16 Peters, 1-18.) As to matters not local in their nature, the Supreme Court of the United States has uniformly held that the decisions of the State courts were not binding upon it.

Election laws are or may become vital to the existence and stability of the House of Representatives, and to hold it must shut itself up in the narrow limits of investigating solely the questions as to whether an election has been conducted according to the State law as interpreted by its own judiciary would be to yield at least a part of that prerogative conferred by the Constitution exclusively on the House itself.

It may be stated generally that the House of Representatives will, as a general rule, follow the interpretation given to a State law regulating a Congressional election by the supreme court of a State—

Notice this language—

where decisions have been continued and uniform in such a way and for such a time as to become the fixed and settled law of a State.

I want that point to be borne in mind.

Where decisions have been made for a sufficient length of time by State tribunals construing election laws so that it may be presumed that the people of the State knew what such interpretations were, would furnish another good reason why Congress should adopt them in Congressional election cases. But this reason would be of little weight when the election had been made and where there was a conflict of opinion respecting the true interpretation of a statute for the first time on trial. There is still another cogent reason why this House may, and perhaps should, disregard the decisions of State courts when such decisions are made in cases where there is confessedly no jurisdiction in the court to pass upon the question which it assumes to pass upon, or where the court assumes to pass upon questions not properly involved in the case before it.

Having in mind the precedents and decisions in this case of Lynch *vs.* Chalmers, and what McCrary says on the subject, let us turn to the views of the minority and see what they have to say about the law of North Carolina with regard to the mandatory or directory provisions of its election laws, which they claim must be binding upon this body. They give us the case of Newsom *vs.* Earnhart (85 N. C., 391), but they are very careful not to tell us or to give the House any information as to the nature of the statute which that case decided. It was an election case. As a matter of fact, Newsome *vs.* Earnhart decided a provision of the election law which was in the code of North Carolina, adopted twenty or more years ago and long since repealed. They next give us the decision in Harris *vs.* Scarborough (110 N. C., 232). I want the House to notice this. Harris *vs.* Scarborough decided that the provisions with regard to registration were mandatory. Then they give us the case of Quinn *vs.* Lattimore (120 N. C.). I want to say with regard to Harris *vs.* Scarborough that that case decided the code as amended by acts of 1889 and said they were mandatory.

Quinn *vs.* Lattimore was not decided until 1897. If I am mistaken, I hope some gentleman will correct me. It decided a constitutional question with regard to a man's right to vote, which arose at an election held in 1894. It did not attempt to construe any election law of the State. It was construing a provision of the constitution of the State, and the court went out of its way to overrule the case of Harris *vs.* Scarborough, without comment upon it of any sort, merely saying that the case was overruled. Now, what did the Quinn *vs.* Lattimore case decide? The Quinn *vs.* Lattimore case decided the code as amended by the act of 1889. It did not attempt to decide the election law under which the election of 1898 was held. That law was passed after the contest of Quinn and Lattimore had arisen, and it changed the law under which the Quinn and Lattimore election had been held, the presumption being that the change was made for the purpose of obviating any defects that existed in the law prior thereto.

Now, here is the supreme court of North Carolina, with three different decisions, no two of them agreeing. Is there such a uniformity, such a settled line of decisions, in that State as to become the settled law of that State and therefore binding upon this House? I apprehend the members, in view of these three diverse decisions, will easily answer that question in the negative. But that is not all. We have had a construction of the election law of 1898. We have had a construction of the law by the highest legislative body of the State, made in determining the question of the eligibility of certain of its members to seats.

Now, it is well to bear in mind this fact: The case of Eaves and Lambert against Souther and Kerley, decided an election case which grew out of the election held in 1898, when the Congressional election was held in that State, the very election in which the contestant and the contestee in this case were candidates, and in this very Congressional district. Eaves and Lambert were Democrats. Souther and Kerley, Republicans, were given the certificate of election as State senators. Their seats were contested by Eaves and Lambert, the two Democrats, who were candidates against them.

The ground of the decision was that in certain precincts of the Ninth Congressional district, which were included in the senatorial district, there had been defective, or unlawful, or illegal registration, call it what you will. Eaves and Lambert, Democrats, claimed that the defective and unlawful registration complained of was a violation of a mandatory provision of the law of North Carolina, which should reject the returns of the precinct where it took place; and, Mr. Speaker, the Democratic senate of North Carolina, made up of some of the most eminent lawyers of that State, took that view of their own law. They declared the provisions of the law relating to registration to be mandatory, and they unseated the Republicans and seated the Democrats

right on that point. Now, Mr. Speaker, the minority, instead of attempting——

Mr. KITCHIN. May I interrupt the gentleman before he leaves that matter?

Mr. ROBERTS. Oh, certainly.

Mr. KITCHIN. The gentleman from Massachusetts is aware that the North Carolina legislature only rejected the votes of those men who were not registered according to law, but did not throw out the box. The gentleman is aware of that fact. It threw out the votes of those who had voted at the wrong place, but did not reject the returns.

Mr. ROBERTS. I would like to ask the gentleman how he knows that? There is nothing published to indicate that.

Mr. KITCHIN. The senate of North Carolina in their report, if you will allow me to refer to it——

Mr. ROBERTS. Even were it so, Mr. Speaker, it is simply proving the same principle that I maintain, as I will show by language here which the gentleman will not dispute. Now, I am reading, Mr. Speaker, from the Raleigh News and Observer of February 2, 1899. It is the Democratic organ of North Carolina, and it prints daily the most complete statement of the business transacted in the assembly that appears anywhere. Let me read. Here are the headlines of the article:

Evans and Lambert at last get their own—Senate adopts committee report.

Going on down the column a little, I quote from Senator Osborne. Let me say of Senator Osborne that for four years prior to his service in the State senate he had been the attorney-general of North Carolina, and I think I am not misstating it when I say that Senator Osborne is looked upon as one of the soundest and best grounded lawyers in the whole State:

Senator Osborne stated that there had been no difference among the lawyers of the committee as to the construction of the statute, but that Senator Campbell was not a lawyer, and on that account he had thought it fair for the committee of the whole to hear argument from counsel.

Senator Campbell then took the floor and spoke at some length in favor of his report. He said that the committee had been careful and fair, but he thought their construction of the law was too strict.

At the close of Senator Campbell's argument Senator Glenn asked that some member of the committee of the majority present that side of the case. Senator Daniels gave the ground of the majority report. He said, after careful consideration, the committee had ruled that electors registering on off days were not entitled to vote. When the committee made that ruling they did not know whether it would seat contestants or contestees. The precedents mentioned by Senator Campbell had all been before the committee, and after a study of them they decided that they did not apply, as they were cases under a different election law. The law had been changed by Senator Campbell's party.

Senator Justice said if the legislature of 1895 had left the Payne election law alone, they would now have two more senators. But the proviso in the new law as to registration was absolutely mandatory—

I want to call attention to "the proviso as to registration, which is absolutely mandatory"—

and was capable of but one construction, that registration on any day other than that prescribed by law was absolutely null and void.

Senator Skinner said that there were such irregularities in nearly every precinct in Mitchell County as would have justified their being thrown out. No boxes had been thrown out where irregularities were traceable to election officers. But it seemed that anyone, from a mere reading of the law, would see that it was mandatory.

The provision regarding the registry was absolutely mandatory, and Senator Osborne said that all the lawyers on that committee agreed as to the construction of the law and that it was capable of but one construction.

I want to read another statement made by Senator Osborne, which appeared in the Morning Post of February 1, 1899. It is not a statement from him, but is a transcript of what transpired in the same debate reported in the News and Observer.

Senator Osborne said:

If the supreme court should call this provision of the election law in regard to registration on certain days was directory and not mandatory, then they would declare that the Ten Commandments were not mandatory.

According to Senator Osborne, one of the legal lights of the State, the provisions of the registration law are as mandatory as the Ten Commandments. I quite agree with him, and I think any sensible man will come to that conclusion.

Mr. KITCHIN. Will the gentleman allow me an interruption?

Mr. ROBERTS. Certainly.

Mr. KITCHIN. The gentleman asked me where I got the information that they only rejected the votes of those who had registered at other places than the polling place. The majority report contains this citation:

By Mr. Campbell, the following minority report in the contested-election case of Eaves and Lambert *vs.* Kerley and Souther.

1. While the report of the majority is general in its terms and finds no facts, I understand that it is principally based on the idea that certain voters at Harrells and Montezuma precincts in Mitchell County should be rejected because the voters registered on days other than the Saturdays prescribed by law.

Mr. ROBERTS. Yes; but what has that to do with the principle? That is what we are dealing with here.

Mr. KITCHIN. You asked me where I got that from?

Mr. ROBERTS. That is all right. I am talking about a principle, and I do not think the gentleman will deny that his own legislature has declared the registration provisions of the law under which the election of 1898 was held are mandatory and not directory, and that is what this committee decided and what we ask this House to decide; and having decided it as the committee have in the majority report, it settles the whole case. That is one of the reasons why I was so willing, and why I did move to strike out of the majority report all reference to Asheville, because it was not necessary to reject the vote of Asheville to seat contestant and might unduly prolong the discussion.

So much for the South Waynesville, Marble, and Montezuma precincts.

Mr. CAMPBELL. Will the gentleman allow me a question?

Mr. ROBERTS. Certainly.

Mr. CAMPBELL. Does the majority of the committee contend that because a few men were illegally registered, the whole precinct should be thrown out?

Mr. ROBERTS. Most assuredly. There is no evidence how many men were illegally registered, and there is no way of proving but that nine men out of every ten who were on that voting list were on unlawfully; nor for whom the men voted. There is no way to separate the sheep from the goats. We had to throw out the whole as fraudulent; and if the gentleman has followed the argument, he has seen that there is ample authority for doing it; case after case, where the defects complained of could not be remedied or the poll purged of the unlawful votes.

I shall now devote a few moments to the Black Mountain precinct, then the Old Fort, Limestone, and Ivy No. 1 precincts, these being the remaining precincts where the entire vote was rejected by the committee.

In Black Mountain precinct the charge was ballot-box stuffing. Four witnesses—Republicans, men of repute and standing, all corroborating each other—say they saw the Democratic judge stuffing the ballot box, saw him put his hand into the box and take out tickets, place them in his pants pockets, put his hands in his side pockets and put tickets into the box. The contestee puts this man Martin—this judge who was caught red-handed in this ballot-box stuffing—on the stand to testify that he did not touch or count any votes out of the Congressional box; in other words, that his operations were confined to the county box, provided he was guilty of the act. Now, the evidence is very conflicting as to what box he really stuffed. Some witnesses say it was the Congressional box; some say it was the county box. He did count out some ballots from the Congressional box; that is proven by the testimony of T. P. Sutton, who was Democratic registrar of election at this same precinct where Martin was Democratic judge. Sutton says Martin did count out a part of this Congressional box.

Now, what credence are we to give to the evidence of a man charged with these acts? Four witnesses swear to them, corroborating each other. The evidence of the man himself is relied upon by the contestee to prove that no such thing took place. Well, Mr. Speaker, let me read from the case of Spencer *vs.* Morey (Smith's Digest, page 446). Here is something quite on all fours with the present case:

Burton, the ex-sheriff of Carroll Parish, swears that he detected David Jackson, the commissioner who received the ballots from the voters on the day of election, changing the votes handed him by the electors for others which he put into the box instead of the ballots of the voters. He says he charged him with it and complained to him of its unfairness. "He (Jackson) tried to bluff me out of it, but I showed him the tickets he had dropped lying on the floor." On cross-examination Burton says he could not swear to more than one ticket which he saw Jackson change, but there was another on the floor in the same position, but he does not know that this one was changed. Jackson is not recalled, nor did contestee offer to recall him to deny this statement. * * *

McCrary, in his Law of Elections, says (section 441):

If, for example, an election officer having charge of a ballot box prior to or during its canvass is caught in the act of abstracting ballots and substituting others, although the number shown to have been abstracted be not sufficient to change the result, yet no confidence can be placed in the contents of the ballot box which has been in his custody.

That is the condition here. Martin was caught at this election stuffing one of the ballot boxes used there. No confidence can be placed in any box which has been tainted by his corrupt touch.

If time permitted, I would like to cite other cases—the case of Hurd *vs.* Romeis and many others—all in support of this same proposition. But my time is limited and I must hurry on. I want to refer now to the Old Fort precinct, where the charges are false returns, polls unlawfully opened before the proper hour, poll list destroyed, the full vote of the box not returned. In this precinct Boggs, the side partner of the contestee, actually got 11 votes. This is one of the few precincts where he did get some votes. But the election officers did not give them to him—did not return that he had any votes at all—though all the testimony shows that he received 11 votes.

When the contestant called for the production of the poll list, which should have contained the names of those who had voted, it was not in the custody of the officer who should have had it. Investigation brings out the fact that when one of the Democratic election officers was asked to sign and return this poll sheet as the law provided, he said: "Damn the poll sheet; burn it up."

Apparently it was burned up, for it never appeared after that. After the contestant had ceased to take evidence in this particular county the contestee (and this is another illustration of the way the minority deal with this House) produces what is alleged to be the poll sheet of this county. Yet the minority, as you will find in their views, deny that contestee ever produced or offered in evidence that poll sheet; and they quote in proof the very evidence showing that it was offered!

This poll sheet when produced at this time was found to have been forged. The evidence of that forgery is conclusive. One of the registrars of election, who did not vote that day until at least two hundred men had voted, is put down on this bogus poll sheet as having voted No. 17; and the man who voted just ahead of him is put down on this poll sheet as having voted No. 242! No more conclusive proof could be produced to show that this poll sheet was "doctored."

Indeed, Mr. Speaker, the minority do not attempt to offer any defense on this point. They attempt, as they do on nearly every other point made by the majority, to evade and to quibble. They say that this or that is not properly in evidence; and they raise quibbles instead of going into the merits and denying the forgery, and proving that the poll list was authentic, if it was so in fact.

I now pass to Limestone precinct, where bribery was charged. To the mind of the majority the charge was more than sustained. That it was sustained to some extent must be evident to members of the House when they find that in the views of the minority they substantially offer to give up two votes in that precinct which they say may have been bribed. The bribery was so extensive, though difficult to trace, that it tainted the whole poll; so that there was nothing for the committee to do but to reject the entire vote.

With regard to Ivy precinct the same condition of affairs existed, with only this difference, that the minority in their views are willing to give up three votes which were bribed in that precinct, but want to hold onto the others.

With regard to Herrell's precinct—and I think this covers all that the majority are relying upon—the contestee claims that the vote of this precinct should be thrown out because it was not counted in the manner and at the time that the law directs.

The facts are these: When the balloting closed one of the Democratic officials refused to stay with his colleagues and count the ballots, but went home. The Republican and the Populist officials remained there with that ballot box until morning, when this Democratic judge came back and then the ballots were counted and the result announced. Contestee says that is a violation of a mandatory provision; that that ballot should have been counted at once; and because it was not it must be thrown out. Without attempting to decide whether a party to a contest shall benefit by the willful act of one of his own party faith, because such a decision is not necessary and would not affect this case, the committee have allowed the vote to stand, inasmuch as contestant asked for a recount of the ballots in this very precinct for the purpose of establishing his vote aliunde. He was not afraid at any time or in any precinct to have a recount to ascertain what his true vote was. He asked for a recount. Contestee was present either in person or by his attorney at that recount and did not object. The recount showed exactly the same number of votes in the box as had been returned by the election officers. That proved the vote aliunde. Contestee's mouth is sealed. He can not object to the vote of that precinct, because he acquiesced in it at the time, every requirement of law being followed in the recount and opportunity being given the contestee to raise any questions or objections that he saw fit.

Mr. Speaker, with this summary, in which I have entered more minutely into some phases of the case than I had anticipated doing, I now conclude the presentation of the majority views, reserving the balance of our time.

Mr. MIERS of Indiana. How much time has the gentleman from Massachusetts occupied?

The SPEAKER pro tempore. One hour and fifty-six minutes.

Mr. MIERS of Indiana. Mr. Speaker, the most cruel thing the gentleman from Massachusetts [Mr. ROBERTS] has done is to talk all or nearly all of the Republican members off the floor of the House; and yet I presume that was not particularly his fault. The gentleman unquestionably has done the best he could with the record he had and with the case presented. He talked fifty-five minutes about generalities, and then he said: "Mr. Speaker, I am now going to talk about something that has to do with the case."

The right of a free ballot, a fair count, and to have the result correctly certified were among the most important principles for which the American Revolution of 1776 was fought.

The perpetuity of our Republic largely depends on the fidelity with which these principles are maintained.

Every State in the Union has guarded these sacred principles by the enactment of laws that make it a felony for any elector to sell his vote, because in doing so his misconduct affects the right of a free ballot, the most sacred privilege granted a free people.

If the individual elector is a felon because he casts a vicious ballot, what is the attitude of a member of this House who by his vote thwarts the will of the majority of a Congressional district and overturns the certificate of the proper and duly chosen officers and gives a seat in the great American Congress to one who has not been elected? I am not the keeper of any man's conscience save my own, but feel constrained to say that where much is given much is expected, and the misconduct of the member who interferes by his vote and changes the will of the electors of a Congressional district has committed a greater crime in the sight of all true Americans than the elector who only corrupted his own ballot.

I desire to follow this extraordinary statement, which conveys a very strong insinuation, with the statement that no member can vote for this majority report without voting to change the will of the voters of the Ninth Congressional district of North Carolina. In making this statement I do not mean to offend or attack the integrity of the gentlemen who signed the majority report.

And, Mr. Speaker and gentlemen on the right, if I were to make that assertion on any other subject than that of politics, instead of members being off in the cloakrooms away from the sound of my voice, you would all be here looking me in the face and saying, "Do you mean what you have said? If you mean it, you have either offended me as a Representative, or else what you have said is not true."

I have not meant to do the first, and I am ready to prove, if I may not to you as members of the House—I am ready to put into the RECORD the proof to the country that the latter charge is true.

I make this statement in order that I may challenge the attention of the House to the discussion of the merits of this contest.

Without assuming any superiority on my part, but attributing everything to the weakness of contestant's case, I promise that this discussion shall demonstrate the frailty of contestant's cause and the merits of contestee's contention and his right to retain the seat. I feel like I may demand and expect of this House a fair and judicial determination of this contention, for I know the fairness of the members.

The contestee is in a position to challenge the sense of justice of the other side of this House. He was a member of the Fifty-second Congress, and many members will remember the contested-election case of Rockwell *vs.* Noyes, in which the contestee arose above the party whip and voted against his party. The vote is recorded in the CONGRESSIONAL RECORD of that session on pages 3538–3541. The contestee was also a member of the Fifty-third session of Congress and the same thing occurred. (See CONGRESSIONAL RECORD of that session, page 3455, in the contested-election case of English *vs.* Hilborn.)

May he not expect a fair and impartial hearing of his case at your hands—you who so applauded him when, according to the dictates of his judgment and conscience, he voted against his party brethren? In his behalf I beg of you—

> Dare to be just,
> Firm to your word and faithful to your trust.

Is it too much to ask and expect of the great American Congress? "Let justice be done though the heavens fall." Let us examine this case in detail, not as partisans but as fair and impartial triers.

The gentleman from Massachusetts [Mr. ROBERTS] who has just closed the argument adverts to something that occurred down in the committee room. I do not remember it as he stated it. In fact, I remember it entirely the opposite; but what are we to try this case upon? Are we to try it upon the record, upon the sworn testimony, or are we to try it upon the fact that the gentleman from Massachusetts remembers that a lawyer in the committee room said one thing and the gentleman from Indiana remembers it another way? Or are you to try it because a gentleman who was arguing the case on the one side in the committee room made a mistake, and stated what he did not mean to state and then took it back, as the gentleman from Massachusetts [Mr. ROBERTS] states? Or, put it stronger, if you will say that he did not know what the law is, and stated that it was mandatory and did it knowingly and purposely, will you therefore say the law is a mandatory statute or will you look to the authorities and determine the question as to whether or not it is a mandatory statute?

I will undertake, without claiming any ability to myself, but attributing everything to the weakness of the case of the contestant, show you the contestant has no ground upon which to stand. I will say now to the gentleman from Massachusetts and any other gentlemen on the floor on the other side of this House if I state any proposition so that it is not understood I want you to ask any questions about this record from the start to the finish; it will not confuse or disturb me.

It is the truth we have the right to look after. And if any of

you think I have misstated the record, I have the record at my left, the pages marked, and it will not disturb me, and we will get an honest investigation and an honest inquiry into this case. In God's name, has the time come in the great House of Representatives that I may not do it? The House of Representatives, who frequently do not read the reports at all, who do not listen to the discussion, who vote simply because he happened to be the party nominee to which you or I belong. I thank fortune I have been without any such temptation, being with the minority, I have been contending for the sitting member. I have presided over courts and have always thought I could rise above some such action.

I want to say, too, Mr. Speaker, and gentlemen of the House, I look forward with great pleasure to the next session, when I think the shoe will be on the other foot; and I do not question that many of you gentlemen, probably the most of you, will be here the next session. I want to say to you, and to the gentleman from Massachusetts [Mr. ROBERTS], and the gentleman from Michigan, the chairman of this committee, you may hold me to the proposition that I now make, when I take the oath again that I will support the Constitution of the United States and faithfully execute the laws I will try to do it in contested-election cases as honestly and as conscientiously as in any other duty called on to perform. [Applause.]

That may be sentiment; but if the purity of the ballot box is the issue; if an honest election is at issue; if my Democratic brethren down South have carried on an election as charged in this case and corrupted the ballot box by bribery, by violence, by the purchase of votes and fraud, I hope that I may never be so partisan that I can not see it; and if, upon the other hand, as I believe the record in this case shows, some gentleman who has had a seat on this floor and tasted the sweets, undertakes to take advantange of the situation, like the old thief who committed the larceny himself, running down the road and crying "stop thief" at the other fellow, I hope I may be able to determine the real thief. I know, when you are in the minority, gentlemen, you will then be willing to reason about this class of cases better than now.

It is not regarded as a Republican district. The Democrats carried it in 1884, 1886, 1890, 1892, and 1898. The Republicans carried it in 1888, the fusionists in 1894, the Republicans in 1896.

The contestant did not have the united support of the Republicans of the district. In Rutherford County lives Hon. John B. Eaves, ex-chairman of the Republican State executive committee, who canvassed the district against the contestant (page 287); and in contestant's notice, item 27, the fact is set out that in this county there was a division in the Republican party, the negroes having a ticket in the field.

In Buncombe County G. M. Roberts, ex-chairman of the Republican Congressional committee, opposed contestant (page 234); Col. H. C. Hunt opposed contestant and organized a Northern Settlers' Republican Club against him in this county (page 239); and he testifies that this club did as much as any one thing to defeat contestant, and H. C. Jones, brother-in-law to the collector, and many other leading Republicans opposed contestant (page 237).

Hon. Locke Craig says, on page 288:

Q. What have you to say concerning the special influences and special elements of opposition to the contestant in Buncombe County?

A. Mr. Pearson was very unpopular in his own party; he was not nominated as the choice of his party. Every candidate that aspired to the nomination was given a place in the employment of the Government and left Mr. Pearson without any opposition to the nomination, but his nomination created great dissatisfaction; many prominent Republicans openly opposed him and very few of them warmly espoused his cause. He had been a gold man, and a silver man, and a gold man again; he had been a Republican, a Democrat, and an Independent, and a Republican again. He had made bitter speeches on all sides of questions that were before the people, and was looked upon as a political adventurer who had been honored enough by the Republican party; a large per cent of the Republicans hoped for his defeat.

Q. What have you to say about opposition growing out of post-office appointments in Buncombe County and the failure to answer letters of his constituents?

A. There was a great deal of talk and complaint about his failure to answer letters, and his appointments to post-offices aroused considerable opposition to him. I understand that at Skyland post-office there was so much opposition to his appointee that it was impossible for them to rent a house for the office, and office had to be kept in a covered wagon. At Arden the opposition to his appointee was equally as bitter. There was also considerable dissatisfaction about the Asheville post-office.

In Clay County W. S. Ledford, chairman of the Republican executive committee of the county in 1896, supported contestee (page 309), and the Republican candidate for sheriff of this county in 1898 supported contestee (page 42). That these influences were potent is shown by the following:

Dr. J. H. Wolff, chairman of the Republican executive committee of Jackson County, a member of the senatorial committee and also a member of the Congressional committee and witness for contestant (page 65):

Q. Did you not state on the piazza in the post-office, or the hotel at Dillsboro, or some other place, that Mr. Crawford had been fairly elected to Congress, in your opinion, and that Mr. Pearson's defeat was due to the fact that a number of leading Republicans in the Ninth district wanted him shelved?

A. No, sir; I did not say it anywhere. I have said time and again that, in my opinion, Mr. Pearson was too big a man for the Republican party, and that others who would like to have been the recipient of his nomination intended to elect him by as small a majority as possible in order that he might be shelved; that in so doing they had evidently miscalculated the intentions of such men as old man Roberts, Hunt, and the like, and thereby caused his defeat.

W. S. Ledford says (page 309):

1. Q. What is your voting precinct?
A. Tusquittee Township, in Clay County.
2. Q. Were you present at said precinct on the day of the election, November 8, 1898?
A. Yes, sir; I was present.
3. Q. State what you know about some 17 or 18 tickets which had Pearson's name printed on them being erased as to his name and William T. Crawford's name inserted instead of Richmond Pearson's, and of their being voted at your box.
A. I do not know as to the exact number of tickets, but I suppose there was that many tickets voted by Republicans for Mr. Crawford with Pearson's name scratched off.
4. Q. Did you work for Mr. Crawford in this election?
A. I did.
5. Q. Do you know of other Republicans who voted for and worked for Mr. Crawford at Tusquittee precinct or elsewhere?
A. I know of Republicans who voted for him willingly.
5½. Q. Do you know of any intimidation or fraud at your precinct?
A. I do not.
6. Q. What is your politics and what position have you held in your county?
A. I am a Republican and have been chairman of the Republican executive committee of the county.
7. Q. Is it not a fact that a great many Republicans with whom you have come in contact were tired of and had no confidence in Mr. Richmond Pearson, and therefore would not support him in the last election?
A. Yes; I have found a good many. I suppose it was on account of his conduct toward the Republicans in his district.

A. H. Brown says (page 309):

1. Q. What is your voting precinct in Clay County?
A. Brasstown.
2. Q. Were you present at the election November 8, 1898, in said precinct? If so, in what capacity did you serve?
A. I was one of the registrars, and was present at the election that day.
3. Q. State what was the conduct of the crowd at said election as to order and good behavior.
A. It was good; the crowd was peaceable; it was among the most quiet elections I was ever at.
4. Q. Did you hear any threats of any character or any offer of bribes to voters on that day?
A. I did not; it was honest, fair, and all right.
5. Q. Do you know of any Republicans at that precinct who worked for and voted for William T. Crawford for Congress and against Pearson? and why they said they did so, if you know.
A. I know of R. M. Bell, candidate for sheriff on the Republican ticket, and J. H. Green, candidate for surveyor on the Republican ticket. I saw both of them cast their vote for W. T. Crawford for Congress. Mr. J. H. Green was against Mr. Pearson on account of his position on the money question; I can't state just what Mr. Bell's reason was.

I especially call the attention of the House to the comparative vote of the district in 1898 and 1896:

For Congress, 1896:	
Richmond Pearson received	20,495
J. S. Adams received	19,189
For Congress, 1898:	
Richmond Pearson received	19,368
William T. Crawford received	19,606

Is there anything unusual in this change when it appears that the Democratic party was well organized and gave the contestee hearty and enthusiastic support?

F. A. Tuck, who traveled over the entire district as a newspaper correspondent, says, on page 280:

Q. Did you not find that the nomination of Mr. Crawford as the Democratic nominee for Congress in the Ninth district was an exceedingly popular one?
A. I did.
Q. Was not his nomination a source of inspiration to the masses of the Democrats throughout the Ninth district?
A. It was.
Q. Was there any lack of enthusiasm among Democrats on account of Mr. Crawford's nomination?
A. No, sir; there was no lack of enthusiasm.
Q. Was not the Democratic party well organized in this contest in behalf of Mr. Crawford?
A. Very well, I think.

You will bear in mind that this is a Democratic Congressional district; that the contestant is very unpopular with his own party, many of his political friends making open war against him.

Mr. KLUTTZ. And a Republican governor.

Mr. MIERS of Indiana. By a Republican governor. I want to say something about that. I believe I will do it right now. I would like to have read, and send up to have read in my time, an article that appeared in this morning's Washington Post, right along that very line.

The Clerk read as follows:

RUSSELL ATTACKS PEARSON—GOVERNOR OF NORTH CAROLINA ON THE ASHEVILLE CONTEST—DENOUNCES THE ATTEMPT IN CONGRESS TO UNSEAT MR. CRAWFORD AND RIDICULES CONTESTANT'S CLAIMS—THE REPUBLICAN STATE CONVENTION.

RALEIGH, N. C., *May 8, 1900.*

Governor Russell, the Republican chief magistrate of this State, created a

flurry this morning by coming out in a strong interview in the Raleigh Post denouncing the political course of ex-Representative Pearson, of the Ninth North Carolina district and decrying the contest which Mr. Pearson has inaugurated against Representative Crawford, Democrat. The governor declares that the Republicans of the Ninth district and of all North Carolina are not in sympathy with Mr. Pearson's contest, and that, in view of the fact that the party is waging a determined fight against what is regarded as an attempt to disfranchise many of the voters of the State by an amendment to the constitution, the seating of Mr. Pearson would work irreparable harm and would lose many Republican votes.

Governor Russell likewise pays some attention to the recent Republican convention, where Mr. Pearson aspired to be presiding officer and was defeated, and also where he sought in vain to be elected as a delegate to the Philadelphia convention. The convention in mild language indorsed the contest of Mr. Pearson, but Governor Russell says that this clause was smuggled into the platform, and would disgrace the party in North Carolina but for the fact that most of the convention did not know that it was in the platform. Continuing, the governor says:

"Here we are, in North Carolina, charging truthfully that the Democrats are sweeping things by force and fraud; that they have put upon us an election law that is meaner than the Goebel deviltry, and Mr. Pearson schemes to get himself at the head of the platform committee in the State convention, fixes the resolutions, and reads a platform before the convention denouncing fraud and demanding honesty. Yet he is a man who is now, and was at the moment, making the supreme effort of his life to disfranchise all the voters of the city of Asheville and to get a seat in Congress by methods as lawless and desperate as those which are known of all men to prevail in the nonsuffrage States."

Governor Russell ridicules Mr. Pearson's Republicanism, and denounces the attempt to make his contest a party matter.

"The truth is," added Governor Russell, "Pearson was fairly beaten by Mr. Crawford. His real complaint is that he did not have votes enough. There are other Republicans in the State who think as I do about it, among them Colonel Lusk and Mr. Smathers. They say that Mr. Crawford ought to want Mr. Pearson to be seated because it means a sweep for Crawford next November. They think it worse than that. It means the loss to us of many seats in the legislature.

"What is the use of our making the great issue as to honesty in our elections if our own party should perpetrate such a fraud as this? Why, just think of it. The whole city of Asheville is to be flung in the ditch because a colored man was arrested for perjury committed during the contest, long after the election. Why not throw out the whole vote of Buncombe County?"

In this wise Governor Russell reviews all the grounds on which Mr. Pearson bases his contest, and ridicules them with sarcasm, denouncing both the law and the facts on which a seat is claimed.

Mr. MIERS of Indiana. Now, Mr. Speaker and gentlemen of the House, I had that read so gentlemen on my right may know what the Republican governor of North Carolina thinks of the contestant's claim in this case. The Republican governor of North Carolina says the contestant is trying to obtain a seat in this House by methods that are very disreputable. If you will not believe what I have said, and what I may say, I would like you to give fair consideration to a portion of the record. And, Mr. Speaker and gentlemen of the House, I will not take the time to read, or have read, in addition, another interview with the governor in the Raleigh Post, a two-column article, much longer than the one in the Post just read, in which he goes into the details.

And I want to say to the gentleman from Massachusetts that interview was a typewritten interview, well considered; and if you Republican members on that side of the House would like to see it, I have several copies and will furnish it. In order that I might not only be fair and know whether this was true or not, this morning I telegraphed the governor to know whether or not the interview contained in the Raleigh Post was authorized and correct, and a little while ago I received a telegram, which I now send to the Clerk's desk and ask to have read in my time.

Mr. LINNEY. Will the gentleman allow me a question now?

Mr. MIERS of Indiana. Yes.

Mr. LINNEY. I believe, if I caught you right, you say that this case ought to be decided judicially?

Mr. MIERS of Indiana. Yes.

Mr. LINNEY. And with the same fairness and the same respect to the law and justice that you would before a court?

Mr. MIERS of Indiana. Yes.

Mr. LINNEY. Then I ask the gentleman from Indiana, as a lawyer, whether or not he thinks this is proper evidence and is right?

Mr. MIERS of Indiana. In response to the gentleman from North Carolina, I will say that I do not know Governor Russell; but if he is the man that history and reputation make him, I believe it to be right. He says the contestant has no right to the seat, and he is on the ground and ought to know.

Mr. LINNEY. As a lawyer, do you believe that the statement of any man not under oath, not before his adversary, with no opportunity to cross-examine, ought to be thrown into the scale, even where only the price of a mountain squirrel is at stake? [Laughter.]

Mr. MIERS of Indiana. I am glad to see that interest is coming in the gentleman from North Carolina; and when the gentleman's interest comes, I will get your attention to the record, my brother, and I will make it so much stronger than is made in either of these interviews that you and I will have no trouble, if you will keep up your gait to the end of this discussion.

Mr. LINNEY. I am not objecting to that; I want to get your opinion as to the fairness of this proceeding.

Mr. MIERS of Indiana. I am glad the gentleman does not object. I know it hurts, and I would not do anything that would offend the gentleman from North Carolina. Now, will the Clerk read the telegram?

The Clerk read as follows:

RALEIGH, N. C., *May 9, 1900.*

To Hon. ROBERT W. MIERS, *Member of Congress:*

Report of interview in Raleigh Post and Charlotte Observer is authorized and correct.

DANIEL L. RUSSELL.

Mr. MIERS of Indiana. I thought the gentleman might make an inquiry of me, and I am sure now that he knows that the interview is genuine and will have some weight with the gentleman, coming as it does from the Republican governor.

I have stated this is a Democratic district. Let me follow a little further. In 1898 and 1896 are the only times in the last ten years that it has been carried by Republicans. It was carried by the Fusionists in 1894, and that is all. Then we have a Democratic district. Let us see how we go into the Democratic district, and then see how we come out of it; and I beg of the gentleman from North Carolina, if we come out of it with a certificate of the officers of the State, signed by your good Republican governor, then if it is supported by the evidence, let us not sear our conscience by electing a man from the Ninth Congressional district of North Carolina on the 9th day of May, 1900, almost a year and a half beyond the election.

The contestee is popular with his party; has the enthusiastic and united support of his political followers. The contestant is undertaking to convince the House that he carried the district under these circumstances, and alleges certain things in support of his contention. I will take them up one by one and try to deal with them from the record fairly. If any gentleman upon the other side feels that I have misquoted the record or unfairly stated the facts, I court his interruption. I will not take it as an interference upon his part, but will gladly have any member give me an opportunity to make plain any assertion that I make during this argument. I am thoroughly convinced that this record makes a clear title for the contestee, and am willing to fight it out before the House and then ask the unbiased judgment of the members.

Not only was there great objection to the contestant throughout the district, as I will show a little further along, but here is the Republican candidate for county sheriff; here is the Republican candidate for surveyor, and here, too, is the Republican governor of the State repudiating this man, who has in the course of his political career run on every ticket known to the law. They repudiated him and worked against him and in favor of the contestee. Yet he comes here and, under the rules of the House, has his case referred to a committee.

I want to refer to the fact that these men whom I have cited are not the only Republicans against the contestant. The gentleman from New York [Mr. DRISCOLL] is a member of the Election Committee No. 3, who tried this case. He was also a member of the subcommittee, which consisted of the gentleman from Massachusetts [Mr. ROBERTS], the gentleman from New York [Mr. DRISCOLL], and myself. The gentleman from New York, a Republican member of this House and a member of the committee, entirely repudiates the claim of the contestant. His name is not signed to the report of the majority. He will not say a word in favor of it; he will not vote for it. I do not know whether he will vote against it or not, but I do know what his convictions are.

Gentlemen, you have the governor of his State against the contestant; you have the electors; you have the county officers; you have one member out of the six Republican members of the Committee on Elections who refuses to say on his oath that this man is elected. And yet the gentleman from Massachusetts comes on the floor of this House and objects to the minority of the committee having four hours' discussion. He occupies two hours himself, and yet says there is nothing in the record. He talked to us about undue haste or about an unfair report. He ought to take the time to do what he undertook to do—to show that it is a false report. I beg of you, gentlemen of the House, to tell me where and how he has shown anywhere along the line of his argument that the contestee was not elected.

Here you have a Republican district—Republicans fighting among themselves. No, I ought not to say that—Republicans fighting the contestant. The majority of this committee are seeking to convince you that the contestant carried this Congressional election. Now, I am going to take the record and see what the facts are. You will remember that the gentleman from Massachusetts undertook to charge that there was bribery shown in this record. I want to say, Mr. Speaker—and I measure my words: I measure them in the presence of gentlemen who are able and conscientious—I want to say to you there is no proof of bribery against the contestee.

I want your attention, then, for a moment longer, when I say

to you that I will prove from the records, page by page, that instead of the contestee being a briber, or he and his friends, I will prove from that same record that the contestant was a briber and that his party bribed and bought votes all during that election. Now, that is pretty broad. If that is not true, I ought not to look you in the face and say it. If it is not true, there ought to be some gentlemen to confront me with the record. If that is true, then you ought to confront me with your judgment.

Now, let us follow it along a little on the question as to whether or not there was bribery. And I want to say to you there are three or four cases that have been referred to where there is some appearance of bribery as against the contestee, and I am going to read it, too, so that you may know all the proof there is. I challenge the gentleman from Massachusetts [Mr. ROBERTS] or any other gentleman, if I do not refer to every witness who has testified on the subject of bribery, then I want you to call my attention to it. I say to the House I will refer in this argument to every witness who testified to anything that looks like bribery on the part of the contestant, and then I want to turn to the other side of the picture for a little while.

First, I call attention to the testimony of C. C. Greenwood, on page 103. And I want to say, gentlemen, this record shows that there were 232 witnesses examined, all told, and there are only 6 who even speak of the question of bribery. I am going to call your attention to it:

C. C. Greenwood, being duly sworn, says:
Q. What is your name and place of residence, and where did you vote at last election?
A. My name is C. C. Greenwood; vote at Ivy, No. 1, Buncombe County.
Q. Please state whether you saw W. R. Manney, a Democrat, pay money to a negro to vote the Democratic ticket.
A. Yes, sir; I saw Manney pay West Ray, a colored man, $3 to vote the Democratic ticket.
Q. Did Ray vote the Democratic ticket?
A. No, sir; he did not.

That is what the gentleman from Massachusetts [Mr. ROBERTS] read. That is the little speck of grain in the crib that he cackled about so much.

Here is the man Greenwood who testifies that he saw a Democrat pay a colored man $3 to get a vote and he did not get it. Now, what are you going to do, gentlemen, because the colored man outwitted the politician and got the $3? Are you going to say, therefore, that the contestant was elected?

Are you going to throw aside all rules and say that because there was some man down there willing to invest $3 for his friend, that you will say, "Ah, there is bribery?" I will join you gentlemen now. If there is bribery in the case against the contestee I will quit the case. More than that, if I do not show you from this record that there is bribery on the part of the contestant and his friends, the rank and file, I will quit the case. Let us go a little further. I have said I would give you all the facts there were so that you may know whether I am fair or not.

I now read from the testimony of George Whittemore, on page 108:

George Whittemore, jr., being duly sworn, says:
Q. What is your name, and where did you vote at last election?
A. George Whittemore, jr., and voted at Ivy No. 1 at last election.
Q. State if you know of any Democrat paying, or offering to pay, men to vote the Democratic ticket at the last election at Ivy.
A. I do. W. R. Manney bought some. Brandon Max was one who he bought; Doc Whittemore another, and paid them $3 apiece.

That is the man I was talking about a minute ago. He bought a fellow, he set the trap, the trap fell, and he did not get the vote. So my friend from Massachusetts has rolled that as a sweet morsel under his tongue. He has read it twice, and I am not sure but he read this little three-dollar transaction four times. I will now give you the next witness. This is on page 110—M. A. Rickman:

What do you know about the Democratic workers at Limestone using money and whisky to get men to vote the Democratic ticket?

That is a good question. That plumps right up along the line, and I imagine that there are some of you, my friends, on either side here who know what an election is. If there is a man here who will put his hand on his heart and say, "No money, no liquor, no letters," then, as said by the gentleman over the way, he ought to have little wings and go on to other regions and quit this body. But I will put it the other way, gentlemen, and say that it is as holy as the most holy sanctuary that can be found. Say that bribery shall be confronted and stricken out of this Hall and I will join you, and later I will show you a subject. But let us see what the witness answers:

A. James Webb told me that they gave him $1.50; A. W. Williams—we call him Alex. Williams—said that they offered him $1.50 to vote the Democratic ticket, and he said that he wouldn't vote it, and a man named Frady, for whom he was working, discharged him immediately after the election; Jake Feilds told me that they offered him $1.50, and he told them that he thought that they ought to give him $3 or $4 to vote the whole Democratic ticket. Jake also told me that they used his kitchen on the day of election for the purpose of paying off those men who voted the Democrat ticket.

Now, think a minute. These gentlemen come here to the great American House of Representatives and ask you to set aside the certificate of the officers of the State on what kind of testimony? Naming three men who told somebody else that somebody else had offered them money. If Mr. Williams said to Jones, "Major offered me $3 to support the Democratic ticket," what would you do as a lawyer? I leave it to any lawyer on the floor of this House. I do not care whether he be a Democrat or a Republican. I do not care whether he be white or black. I do not care whether he be from North Carolina or South Carolina.

He would have told that witness to stop, and he would have sent for A. W. Williams and put him on the stand and said: "Hold up your hand and be sworn. Did you receive a bribe? Did anybody offer you any money?" And let him say yes or no. Is there any gentleman here who has any respect for courts of justice or the admission of testimony who for a minute would say he would take a seat from the contestee on such testimony as that which I have read? I would like to look him in the face and see the color of his eye. There is one other witness, Paton Durham:

Paton Durham, being duly sworn, says:
Q. What is your name and where did you vote at the last election?
A. My name is Paton Durham, and I voted at Limestone at last election.
Q. Did any of the Democratic workers offer you any inducement to vote the Democratic ticket at the last election? If so, what?
A. They promised me if I would vote the Republican ticket they would give me a steady job.
Q. Did you vote the whole Democratic ticket?
A. Yes, sir.
Q. Have you got the promised steady job?
A. I have got the job.
Q. How would you have voted had you not got the promise of that job?
(Contestee objects because it simply asks for the statement of an opinion of what might have been done, and does not call for a statement of a fact or facts.)
A. I would have voted for Mr. Pearson, but on account of being out of a job I voted the other way to get work so that I could support my family.

Now you have one. Here is a man who did vote the Democratic ticket. Let us see under what circumstances:

Q. Did you vote the whole ticket?
A. Yes, sir.
Q. Did you get the job?
A. Yes, sir.
Q. Whom are you living with now?
A. With a man named Durham.

He is living with the man Durham who promised him the job. Are you going to take the seat from the contestee and give it to the contestant because some man down in North Carolina saw a good old colored man whom he wanted around his house and barn, to whom he said: "You vote for your friends and my friends and I will give you a job," and he did give it to him.

Perhaps, gentlemen, he ought not to have said that, but if you do not find more than that, do you wonder that we grew indignant when we said in our views that the gentlemen who signed the majority report were entirely without the record? And I will say to you that they are further from the law than from the facts. Let us follow the record a little further and go to the next testimony, found on page 159 of the record, given by T. B. Ray, who testified:

T. B. RAY, being first duly sworn, deposes and says:
Q. State your name, place of residence, and what official position you held at the last election.
A. My name is T. B. Ray; I live in Buck Creek precinct; I was a judge of the election last November.
Q. Please state whether a man by the name of Flynn voted at Buck Creek, and what happened in regard to his vote.
(Contestee objects to the question for the reason that there is no reference in the notice of contest to this matter.)
A. Yes; William Flynn voted. After he had voted he came around to me and said that he wanted to know what it would take to get his tickets out. I told him that we could not take them out at all; that he could see the rest of the boys and see what they would say. I taken him up to the door and called the attention of the other judges, and told them what he asked. He said it was an empty shoot, the Democrats had promised to pay him and failed to do it.

This is only hearsay. If Flynn had been promised anything, why did not the contestant produce him as a witness, instead of bringing in hearsay evidence that would not be admitted in any court?

This comprises all the evidence given tending to show bribery on the part of the Democrats, except one witness who testifies that a portion of $10 was divided among 9 men in a precinct where contestee received only 6 votes. This, too, after a careful research. I submit instead of its showing bribery it shows what the actual condition of the Democratic campaign fund was in that district as well as all over the United States. Without money and no bribery. Let us turn for a little to the other side of the picture. See what the condition of the campaign fund was on the other side and see what contestee's attitude is. I can assure you that contestant's position is not like that of a bankrupt candidate, but the record shows that he and his party were the bribe givers. On pages 98 and 99 of the record, C. B. Moore testifies:

Q. Mr. Moore, do you not know that money was sent out from Republican headquarters in Asheville to prominent Republicans at the various voting places in the county to be used for campaign purposes?

A. I think some small amounts were sent out.
Q. I ask you if the amounts that were sent out were not in the denominations of $1 and $2 bills?
A. I think that the committee had such denominations.
Q. What place did you occupy in the last campaign for the Republican party?
A. I was a member and secretary of the Republican Congressional committee.
Q. Please state, as nearly as you are able to, the number of $1 bills and $2 bills sent out to this Congressional district by you, as secretary of the Congressional committee, for campaign purposes.
A. None.
Q. I ask you if you did not have, on several occasions, in your possession, as secretary of that committee, several hundred $1 bills?
A. I never at any one time had more than $450 in $1 and $2 bills belonging to the Republican Congressional executive committee.
Q. Did you have any such denomination of money in your possession during the campaign for any other committee than the Congressional committee, or for any other person, for campaign purposes?
A. I acted as treasurer of the county campaign fund, and as such treasurer was furnished by that committee with $1 and $2 bills aggregating some $600 or $800.
Q. Were not such bills furnished you just shortly before the day of election?
A. Some time prior to the election; I have no positive recollection as to the date.
Q. What did you do with these bills?
A. I paid them out upon the various written orders of the committee.
Q. I understood you to say that you never had more than $450 in $1 and $2 bills in your possession at any one time as secretary of the Congressional committee. Did you have such denominations of bills more than once? If so, how often?
A. Not more than once.
Q. Who furnished you those bills?
A. I think that I got the greater part of them, if not all, from the Battery Park Bank.
Q. Who contributed those bills that you got the money for, or any check or other thing which enabled you to get those bills at the Battery Park Bank?
A. I contributed in part; Mr. Harkins contributed some—H. S. Harkins I mean—Mr. Pearson contributed some.
Q. Do you know why $1 and $2 bills were especially desirable and the only money used for campaign purposes?
A. I do. We had a working committee on the day of the election, composed of Republicans, who were to receive for the day's work at the polls $2 each, and deemed it well to be prepared to pay that committee off soon after the election, and so provided myself with the proper change.
Q. Did you have those working committees at other places than at Asheville?
A. If so, they were not under my control as to payment.
Q. Are you able to state what amount in $1 and $2 bills you had in your possession when the polls closed on Tuesday evening, the day of the election?
A. I think some $450.

* * * * * * *

Q. The working committee did not apply for any money till after the polls closed?
A. No, sir.
Q. Mr. Moore, do you state that you paid out that $450 after the polls closed to members of the Republican working committee at $2 per day, and that you had paid out none of it before, and that none of it previous to that time had left your possession?
A. I do.
Q. Did you keep any account of the amounts paid out, and to the persons to whom paid, and the date of payment?
A. On the second night after the election I met with the committee that had that matter in charge, who had a list of the committee and who called the list, and as called I handed him $2.
Q. How many names were on that list?
A. There were enough to exhaust the money.
Q. You did not preserve the list?
A. No; I never did have the list.
Q. Then I understand you to say that none of the money that came into your possession as secretary of the Congressional committee ever left your possession till after the close of the polls?
A. No, sir; I did not state that. I had sufficient money, according to my recollection, to supply each county with something like $50 each.
Q. Please state how much money passed through your hands as secretary Congressional committee, for campaign purposes, or for any purposes relating to the election on the 8th of November last.
A. I think some twelve or fifteen hundred dollars.
Q. If you were getting small bills to pay campaign workers $2 a day, why was it important for you to get one-dollar bills?
A. The money that I handled for that purpose consisted of one-dollar and two-dollar bills, and I took such change as was convenient to those furnishing same.

Yet the contestant, with this one witness having $1,200 or $1,500, $450 at one time in one-dollar and two-dollar bills, has the effrontery to charge the contestee with bribery, and the majority of the committee, presumed to investigate and report the facts, falls into his contention and ignores the wholesale bribery on the part of the contestant. I submit the report of the majority is a strong partisan document, but as a judicial examination will not rank very high.

Having thus disposed of the question of bribery, let us take up contestant's next contention, that of violence, and in so doing I ask the careful consideration of this House. This contention has less foundation and is more audacious than the charge of bribery. There is absolutely no mob violence. There was one row on election day between two Democrats.

There was a colored man mobbed the night before the election, which had no connection with the election whatever. He had made an assault on two white women. The community rose en masse, without regard to politics, Democrats, Republicans, and Populists participating. I will give you from the record the testimony on this subject and challenge your judgment and not your partisanship.

Dr. J. H. Wolff, chairman of the Republican executive committee of Jackson County, a member of the senatorial committee, and also a member of the Congressional committee and witness for contestant (page 64):

Q. Was not the campaign in the Ninth Congressional district and also the election following in 1898 a quiet, peaceable, and orderly one throughout the entire district, as much so as you have ever observed in preceding campaigns?
A. I don't think that there is any question about that, as far as I know.

James R. Love, chairman of the Populist executive committee of Jackson County, witness for contestant, and his ardent political supporter (page 61):

Q. I ask you if the campaign and election in 1898 in this county were not quiet, peaceable, and orderly?
A. So far as I know, it was.

G. M. Roberts, ex-chairman of the Republican executive committee of the district, says (page 235) in regard to Asheville:

Q. Please state how the election in last November, in respect of the orderly conduct of the voters and the peace and quiet of the day, compared with previous elections for the last thirty years.
A. A very quiet election in the city; as much so as I have ever seen.

A. J. Hall says (page 195):

Q. What official position do you now occupy in Swain County?
A. I am clerk of the superior court.
Q. When were you elected and when were you inducted into office?
A. I was elected November 8, 1898; inducted into office December 5, 1898.
Q. To what political party do you belong?
A. To the Republican party.
Q. When you were a candidate for office of clerk of the superior court did you visit during the campaign of 1898 the various sections of Swain County?
A. Yes, sir; I visited all of the precincts.
Q. What was the character of the campaign in Swain County in reference to the order and friendly spirit among the people?
A. It was very good.
Q. What was the character of the elections throughout the county in 1898?
A. As to my own precinct, Crisp, it was very quiet; quietest I have seen since I have been in the county, and so far as I have learned in the rest of the county elections were very quiet.

T. F. Davidson, ex-attorney-general of North Carolina, says (page 285):

The canvass was very vigorous on both sides, and I suppose as much political work was done by each political organization as was ever done in the State. The election itself, as far as came under my observation, was remarkably orderly, and I think I have heard fewer complaints of unfairness than in any other instance within my recollection.

F. A. Luck, newspaper correspondent, says (page 229):

Q. State opportunities, if any, you had of becoming acquainted with the political conditions as they existed in the Ninth Congressional district in 1898.
A. In the early part of 1898 I was connected with the Waynesville Courier, and the balance of the year, up to the time of the election, I was a special correspondent for the Asheville Citizen.
Q. As such special correspondent, did you visit the various counties composing the Ninth Congressional district, preceding the election in November, 1898?
A. Yes; I visited all the counties in the district, except one, once; some of them more than once. I attended superior courts in Jackson, Swain, Macon, and Cherokee. Then I accompanied Mr. Crawford in his preliminary campaign in all the western counties.

* * * * * * *

Q. Did you accompany Mr. Crawford as a candidate for Congress in the joint discussion with Mr. Pearson?
A. I was with them at every appointment in the district except two.

* * * * * * *

Q. Please state the general character of the discussions between Mr. Crawford and Mr. Pearson during their campaign, and the general state of feeling between the political parties as this campaign progressed.
A. Everything was pleasant and agreeable, and there was no political disturbance anywhere.

This effectually disposes of the claim of general intimidation. Let us now read from the record and see what there is of political significance in mobbing the negro Mosley. Mr. S. J. May testifies as follows (see page 52 of the record):

Q. Where were you on the day of election?
A. I was at the Briartown voting place.
Q. How far is that from Franklin, the county seat?
A. Said to be 21 miles.
Q. Did the news of the lynching affair reach that part of the county on election day?
A. Yes, sir—not the lynching, but the crime.
Q. When did the news of the lynching reach there?
A. The news was there when I got there, before the opening of the polls—I mean the news of the crime; it was not believed in the morning from the first report; the fact that it was a Democrat that was circulating the news, we thought it was just done for political purposes at that time.

And on page 53 says:

Q. Can you name any man who would have otherwise voted the Republican ticket in the Congressional race, but who was deterred from so doing in consequence of this affair?
A. I don't think that there was at our precinct; in fact, we thought it was all just a yarn till in the evening.

W. R. Stallcup testified as follows (page 268):

Examination by contestee:
Q. Please state your name, where you reside, and in what precinct did you vote in last election, and what official position, if any, did you hold at said election.
A. I live in Franklin, this (Macon) county; voted at No. 2 precinct; I was registrar of election—one of them.

Q. Were you at home just before last election?
A. Yes, sir.
Q. Do you know that there was a negro by name of Mosley lynched in Franklin? If so, when?
A. Yes; there was a negro of that name lynched on Monday night before the last election.
Q. Do you know what crime or crimes this negro Mosley was alleged to have committed? If so, state what information or knowledge you may have in regard to the same.
A. Yes, sir; he was alleged of attempting to commit the crime of rape on two ladies. One was the wife of a Republican and the other the wife of a Democrat, as I understood. Well, I got to the house where the first assault was made; in fact, I was the first man there, this lady told me.
(Contestant objects to the question or to the introduction of hearsay testimony.)
Q. State about what time this alleged assault was made.
A. About 8 o'clock on Sunday night.
Q. How soon after this time until you had a conversation with the lady upon whom this first assault was committed?
A. Do not think it could have been over two minutes. I was first attracted by the firing of a pistol at Mrs. Monday's; they live about 40 or 50 feet from me; she told me it was Mitch Mosley or his brother, she did not know which, but that she thought it was Mitch; I sent a negro boy after John Trotter to stay with the lady until I could run after Mr. Ashe, the marshal; I started after the marshal. I met Mr. Jones's son and got him to go after the marshal. I stayed with that lady until after the negro was arrested.
(Contestant objects to the repetition of a conversation had with a third party, and protests that neither the notice of contest nor the answer of contestee raises any issue which makes it necessary to expose the details of the alleged assault or the names of the parties against whom the assault is alleged to have been made.)
This lady said that the first that she knew the negro came to the door of her room; was in the room when she saw him, and that she asked him what he wanted; that he made no answer, but went around the foot of the bed and blew out the light; that she had retired and was in bed. She said she sprung out of the bed and took hold of him and pushed him out of the room. When she got him to the door she got her pistol and fired at him three or four times. I still stayed there until the negro was arrested and brought in the room.
Q. State what knowledge or information you may have in regard to the second assault made by this negro Mosley.
A. The first personal knowledge I had was when the negro was taken before the lady. She said it was the very same man that was in her room a few minutes before.
Q. Who was the negro she identified as having been in her room?
A. Mitch Mosley.
Q. Did you hear this lady, upon whom the second assault was committed, make any statements in regard to the same? If so, what were the statements made by her?
(Contestant objects and protests on the ground that the testimony of witness is not the best evidence, and that no testimony on this particular subject is material to any issue in this contest.)
A. Yes, sir; I heard her make a statement. She said the man came to the door and knocked, and wanted to get in to pay the preacher 50 cents he owed him. She told him he could not come in unless her husband was there. He then kicked the hall door open; then kicked her room door open; kicked the clasp off the facing. While he was kicking the door down she got her pistol. She could not work the pistol—did not know how; he grabbed her. Her fingers were fastened in the guard of the pistol and she could not let it loose. He drug her out into the hallway before he got the pistol from her. In getting the pistol from her he tore her fingers considerably. I saw her hand. Her arm and hand was bloody when I saw her.
Q. Do you know the calling of this lady's husband, and where he was at the time of this occurrence?
A. Yes, sir; he was a minister, and was at the church holding services.
Q. Was there anyone at the house of this minister at the time of the assault except his wife?
A. I think not, except three or four small children.
Q. Did you see one of his little daughters at the time this negro was brought for identification; and if so, did you hear her make any statement; what was her age, and what did she say?
(Contestant objects on the ground that the testimony is entirely hearsay and has no bearing whatever upon any allegation either in the notice of contestant or in the answer of contestee.)
A. I took the little girl, from her appearance, to be 8 or 9 years old. Mr. Ashe asked her if that was the man that broke into her mother's room; she said yes, it was the same man.
Q. Had quite a number of the citizens of Franklin gathered at the residence of this minister, at this time, when this identification was made, and did you notice among them both Democrats and Republicans?
A. There was 18 or 20; there were both Democrats and Republicans.
Q. Did all of these people who were there hear the statements made both by this lady and her little daughter?
(Contestant objects to the testimony and question on the ground that it is purely hearsay and incompetent before any tribunal.)
A. Yes; all that were in the room heard it, and I think they were most all in the room.
Q. About how long was it from the time the first assault was made until these statements were made that you speak of by this lady and her daughter?
A. I don't think it could have been over twenty minutes.
Q. On the following day did you observe on the streets of Franklin a number of men gathered together in different groups; and if so, did you observe that in these groups there were both Democrats and Republicans?
A. Yes; there were Democrats, Republicans, and Populists.
Q. State what you know about the lynching of this negro on Monday night.
A. I know but very little about it, except there was a wonderful crowd; I think there were at least 300, judging from the size of the crowd.
Q. Did you hear any objections made to the proposed lynching by anyone; and if so, who was it and what was their politics?
A. I heard a good many men object to the lynching, but can not remember any names except George Jones, who is a Democrat.
Q. State what you know in regard to the disposition made of the body of this negro, and about what time was it taken to the undertaker's shop in Franklin, and how soon after was it removed for burial?
A. It was quite early in the morning when it was brought up; it was taken from the wagon and placed in the coffin at once, and they had to wait a few minutes for the lid to be completed; then it was put in wagon and taken off.
Q. Do you know whether the body was removed from the wagon immediately upon its arrival at the undertaker's shop?
A. It was, in a very few minutes.
Q. About how long, in all, did the body remain at the undertaker's shop after its arrival before it was removed for burial?
A. I don't think it was there as long as one hour.
Q. Was the route traveled in bringing the body from the bridge to the undertaker's shop the direct route from the one place to the other?
A. Yes, sir.
Q. Was this body removed from the undertaker's shop before the polls were opened or not, or had it arrived at the undertaker's shop before the opening of the polls?
A. It had arrived and was gone before the polls were opened.
Q. Was there any public exhibition made of the body in any manner?
A. None whatever; the body was covered up with a quilt; I think two or three darky women observed the body.
Q. Do you know whether or not after the lynching the body was taken charge of by the coroner of the county?
A. Yes, sir; it was.
Q. How long have you resided in Franklin?
A. I have been in Franklin all my life; I am 48 years of age.
Q. Do you know of any Republican voting at either of the precincts in Franklin who was deterred from voting or from going to the polls in the last election in consequence of this lynching?
A. No, sir; not one.
Q. What was the character of the election in these two precincts last year in respect to the order that was observed?
A. Perfectly quiet and orderly; no demonstration whatever of disquietude.
Q. Did you hear this lynching affair mentioned during the day of the election in any way in connection with politics prejudicial to the Republican party?
A. None whatever; I think it was entirely nonpolitical.

George A. Jones testified as follows (page 270):

Q. Please state your name, where you reside, in what precinct in which you voted in last election, and what office, if any, you have held in the Twelfth judicial district in North Carolina.
A. George A. Jones; I live at Franklin; voted at last election in No. 1, Franklin Township; at the time of the last election I was solicitor of the Twelfth judicial district of North Carolina.
Q. Were you in Franklin at the time the negro Mosley was lynched? And if so, please state the circumstances connected with it.
A. I was at Franklin; I was present the night he was lynched; was present when he was taken out of the jail, and was present when he was hung; I got to the jail about dark, the crowd was then gathering; myself and a few others succeeded in keeping the mob out of jail until about 8 or 9 o'clock; I gave out, was sick; they broke the jail open and took him and hung him; there was 100 to 400 men present; Democrats, Republicans, and Populists were present; part of the Democrats and part of the Republicans were clamorous to have the negro lynched; some of the Democrats threw the rope up on the bridge to a Republican, who caught the rope, pulled it over; they led the horse from under the negro, or he may have fallen off before the horse was led away.
Q. Was this incident used in any way in connection with politics, and did it in any way affect the Republican party in Franklin Township?
A. I can not state how it was used by other people; I am very confident that it had very little, if any, effect on the election in this township.
Q. Were you about the polls pretty much all day?
A. Was there about half the day.
Q. Did you observe the character of the election; and if so, was it quiet and orderly, and was there any appearance of commotion or excitement among the voters?
A. I think everything was very quiet; I saw no commotion and heard of none.
Q. Do you know of any elector in your precinct who was deterred either from voting or from going to the polls in consequence of this lynching?
A. I do not; don't think there was anyone deterred; don't think I ever saw a more quiet election at Franklin.
Q. How long have you lived here?
A. About twenty-five years.

W. B. McGuire testified as follows (page 273):

Examination by CONTESTEE:

Q. What is your name, occupation, and where do you reside?
A. W. B. McGuire; I am a mechanic and an undertaker; I reside in Franklin, Macon County, N. C.
Q. State if you received any information from the coroner of Macon County on the morning of the election of 1898. If so, at what hour?
A. I did receive some about daylight.
Q. In consequence of this information what did you do?
A. I come to town as soon as I could.
Q. Upon arriving in town state what you saw and what was done by you immediately thereafter.
A. I saw a wagon coming to town with the body of a negro in it; they brought the negro to my shop; I took him out and put him in my shop.
Q. Was the body removed from the wagon immediately on its arrival at your establishment, and was it covered?
A. Yes, sir; it was taken out just as soon as it got there, and the body was covered.
Q. Did you make this box after the body arrived, or did you have one already on hand?
A. I had one on hand, with the exception of a few minutes' work.
Q. How long did the body remain in your shop before its removal for burial?
A. A short time; not more than an hour, if that long.
Q. Can you fix the time at about which the body was brought to your establishment?
A. I can not fix the time exactly; it was between 7 and 8 o'clock.
Q. Was the body on exhibition at any time while it was in your place of business?
A. It was not on exhibition; it was uncovered while we had to do some work.
Q. Did you recognize it as the body of the negro, Moseley, who had been lynched on the preceding night?
A. I did.
Q. Were you in Franklin on the night that the lynching occurred?
A. I was in town a while after dark.
Q. Do you know anything in regard to the time of the removal of the body to the undertaker's establishment and its burial?
A. It was early, before 8 o'clock, for I came down and voted and left town by 8; they were placing the body in the wagon to take it out for burial as I came in.
Q. How long did you remain at precinct No. 1 during the day?
A. Just long enough to vote in the morning; returned a little before sundown, and left town in a few minutes.
Q. Please state whether or not, in your opinion, the lynching of this negro in any way affected the results of the election in precinct No. 1.
A. I think it did, slightly; negroes who before had voted with the Democratic party partly that day voted solidly with the Republican party. I don't think the white vote was affected at all.
Q. How long have you resided in Macon County and what position or positions have you held in the county?

A. Practically all of my life; I am 38 years of age; was county physician several years; was elected representative in 1896.

Q. Do you know the general character of W. R. Stallcup, George A. Jones, W. B. McGuire, J. L. Barnard, and N. P. Rankin, witnesses heretofore examined in this case; and if so, what is their characters?

A. The character of all of them is good; there are no better men.

J. F. Ray testified as follows (page 276):

Examination by CONTESTEE:

Q. State your name, where you reside, and where you voted in the last election.

A. My name is J. F. Ray; I live in Franklin, Macon County, and voted in district No. 1.

Q. How many times have you represented the county of Macon in the general assembly of North Carolina?

A. I have represented the county in the house six times, and of the Thirty-fifth senatorial district, of which district Macon County forms a part, one time.

Q. Were you in Franklin on the night that the lynching of Mosley occurred?

A. I was.

Q. State the character of the crowd that assembled at the jail that night, with respect to the politics of those present.

A. There were Republicans and Democrats, and members of all political parties; I saw prominent Republicans—leading Republicans in the crowd.

Q. Do you know of any Republicans who opposed the lynching?

A. I do not.

Q. Were there any Democrats present who opposed it?

A. Yes; there were several Democrats who tried very hard to prevent it.

Q. Did you not oppose this lynching?

A. I did; I tried every way to prevent it, and came very near getting into a difficulty with a prominent, leading Republican in the county; he said it should be done; he said the negro should be lynched that night.

Q. In the crowd that went from the jail with this negro to the bridge where he was hanged were there not members of all political parties?

A. There were.

Q. How long were you at the polls at your precinct on election day?

A. About all day.

Q. Do you know of any colored man who expressed to you a willingness to take part in this lynching?

A. I do. I heard a prominent colored man, who has always been a Republican, express a desire the day before to head a crowd to lynch the negro. He was a leader, so far as intelligence and honesty goes, of the colored people in the county.

Q. Did you not notice on election day in your precinct both Democrats and Republicans whom you had observed the night before in this crowd, intermingling around the polls, apparently unagitated on account of this affair?

A. I did; I saw no excitement or agitation of any kind next day.

Q. Was the election the next day in your precinct a quiet and orderly one?

A. It was in every respect a very quiet and orderly election.

Senator PRITCHARD, on page 139, says:

Of course I can not undertake to say that it affected the Republican party in my county, from the fact that Madison is situated quite a distance from there, and I doubt if many of the voters residing in that section were aware of the fact on the day of the election. However, I am inclined to the opinion that the voters residing in the adjacent counties were more or less influenced by the reports which I understand were scattered broadcast by the Democratic newspapers.

That the vote in Macon County or adjacent counties was not affected by the lynching will appear from the official returns.

Macon County. (*Pages 280, 281.*)

1896.		1898.	
Adams, Democrat	1,129	Crawford, Democrat	1,066
Pearson, Republican	894	Pearson, Republican	946
Democratic majority	235	Democratic majority	120

Franklin precincts (Macon County).

1896.

No. 1.	Adams, Democrat	160
	Pearson, Republican	41
No. 2.	Adams, Democrat	183
	Pearson, Republican	92

1898.

No. 1.	Crawford	165
	Pearson	42
No. 2.	Crawford	180
	Pearson	92

Number registered colored voters in Franklin precinct No. 1	29
Number who voted	29
Number registered colored voters in Franklin precinct No. 2	29
Number who voted	26

Jackson County. (*Pages 258, 259.*)

1896.		1898.	
Adams, Democrat	1,094	Crawford, Democrat	1,166
Pearson, Republican	909	Pearson, Republican	979
Democratic majority	185	Democratic majority	187

Swain County. (*Page 197.*)

1896.		1898.	
Adams, Democrat	810	Crawford, Democrat	734
Pearson, Republican	543	Pearson, Republican	686
Democratic majority	267	Democratic majority	48

I would gladly quit now and let you take the report of the gentleman from Massachusetts [Mr. ROBERTS], and with it the views of the minority, and if you would read, then I would gladly submit this case. I say to you, gentlemen, that I am very much in earnest about this case. I mean what I say. I believe the contestee is entitled to his seat; and I beg of you as conscientious Representatives to take the views of the minority and to take the report of the majority and read them before you vote to-morrow. Take the record with you and read it, and say after doing so where your vote ought to be cast to-morrow.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MIERS of Indiana. Mr. Speaker, I ask that I may be permitted to proceed to a conclusion.

The SPEAKER pro tempore. The gentleman from Indiana asks that he may conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MIERS of Indiana. Because there was an ill-tempered speech delivered 500 miles away from this district; because it was read to some one after the election, without any statement that anybody in this district was influenced by the speech—indeed, we know no one could have been influenced—it is not enough to say that somebody may have known of this speech and may have been influenced by it. You have no right to say that. If you charge that anybody was influenced, it is your bounden duty to prove it. I say to you as a Representative on this floor that no witness has testified that he heard or read the speech before the election, yet they come here and charge general intimidation.

I saw a few moments ago a map out in the lobby showing a great black line, as long as half across this room, to indicate something. What if there is a black belt down there? If there is no proof that anybody has been deceived or bribed or browbeaten or made the subject of any violence, what are you going to do about it? Are you going to say, "The district is Republican; the Democrats are in the minority; and we in this House will throw out the man who had courage and Americanism enough in his veins in the Fifty-second Congress to lay aside politics and vote for a man he thought was elected."

We next come to the city of Asheville, with nine precincts, which cast a vote of 2,567. The report of the majority seeks to throw out the vote of the entire city and thus disfranchise 2,567 voters. For what? Because a witness—W. J. Harrison—was arrested. This witness was arrested three months after the election and on the occasion of taking the testimony of this contest, after he had testified as a witness, in which testimony he had plainly committed perjury by charging the council conducting the examination for contestee with an offer to bribe. Let me call your attention, first, to the testimony as given by this man Harrison. (See the record, page 123.)

W. J. Harrison, being duly sworn, says (page 123):

Q. What is your name, and where did you vote at the last election?

A. W. J. Harrison, and I voted in the second precinct at Asheville.

Q. State whether any money was paid or offered to you, or to any other Republican voter, within your knowledge, by any Democrats to vote the Democratic ticket at the last election. If so, state all the circumstances.

A. Was none paid to me? There was money offered to me to vote the Democratic ticket. I was on Patton avenue, in Asheville. Mr. Craig—Mr. Locke Craig—a Democratic candidate for the legislature, called me to him and asked me if I would vote with him. I told him that I did not know; that I didn't see no way that I could vote for him, and heard him speak, saying that he would fix the negroes so when he got to Raleigh that he would not give him any more trouble; and he says to me, that was only lies that the Republican party had talked into us colored people for a election scheme. I told him that I would see him again.

I never seen him any more till three or four days before the election, and he called me to his room, and I went, and he told me that he would give me a good deal of money to vote as many colored people as I could. I asked him how much would he give me, and he asked me how many could I think that I could vote. I told him that I did not know; that the most of the colored people had heard his speech; then he walked out and brought in Mr. Murphy, and he talked with me. He asked me how many could I vote for them this election, and I asked him what was in it. He says that he would insure me that I would get pay for my trouble. I told him that that did not suit me; I wanted to know how much he was going to give me. He says, "That he would see that I got $70 to put in 25 votes." I told him that I would see him again.

Then, on Sunday, I was going down Patton avenue and Mr. Craig called me in his office and there I met Mr. Murphy again, and he says to me, "I believe that you are trying to seek a flaw in us." I says, "If you think that, let me walk the streets and don't call me." Mr. Craig says, "He is all right," and Mr. Murphy says, "If you fool about and get into our secrets and give us away, I'll be damn if I don't kill you." I says, "Let the hair go with the hide," and I walked out. Then I never seen Mr. Murphy, at least no other conversation with him any more, till after the election, and he asked me one day did I have a family here; I told him I did. He says, "Richmond is going to test the election, and if you will leave here I will help pay your way, but if you stay here and testify against us, you may look out." I says, "You have threatened me enough; I will tell it if I die." I left him then.

Q. Please state what official position in the Democratic organization that Mr. Murphy held at the time of this conversation.

A. He was chairman of the Democratic party.

Q. Don't you know that your statement to the notary here to-night is a piece of willful, malicious, and corrupt perjury, and a lie out of the whole cloth?

A. It is the truth; you knows it and God knows it.

W. J. HARRISON.

Mr. J. D. Murphy testified most positively that the statement of the witness Harrison was unconditionally false. See record, page 289, where he says:

J. D. Murphy, being duly sworn, says that the statement made by the colored man, W. James Harrison, that Mr. Locke Craig and J. D. Murphy offered him $75 or any other amount, as far as this affiant knows, before the last election, and that J. D. Murphy after said last election threatened his life, is utterly false and without any foundation in fact; that he never spoke to the said colored man in his life, as he is aware of, and did not know him.

J. D. MURPHY.

It does not appear from the record that a single witness whose name was called, or any other witness, was absent on account of the arrest of Harrison, or that any effort was made to examine

them or anyone else in Buncombe County or the city of Asheville. The majority seek to bring this case within the rule laid down in the case of Featherstone *vs.* Cate. In the argument before the House (see CONGRESSIONAL RECORD, volume 104, page 1916) Mr. Rowell said:

In Independence precinct a proposition of law is involved; whoever by his unlawful act prevents the taking of testimony intended to prove an allegation upon which issue is joined thereby admits the truth of the testimony already taken, and that it proves whatever it purports to prove—what it tends to prove—and therefore the testimony of Powell must be taken as absolutely true.

Which we concede to be good law, and are perfectly content that that precedent shall govern in this case, which is, where one unlawfully prevents the taking of testimony upon which issue is joined, he thereby admits the testimony already taken and that it proves whatever it tends to prove. Applying that rule to this case, the only witness who has testified is the witness Harrison, and he testified that money had been offered him and he refused to accept it. Taking his statement as true, under this rule no elector was bribed nor was the result of the election in any way interfered with. Besides, the record, on page 126, discloses the fact that the witness Harrison was called to testify with reference to precinct No. 2. No mention is made in his testimony of any of the other eight precincts. The notary's statement in the record is as follows:

* * * The witness Harrison was the first witness, as I remember, that was placed on the stand in regard to Asheville precinct, No. 2, and this occurrence was in the presence of several other witnesses, who were present to testify with regard to the matter in dispute with regard to Asheville, No. 2. The above is the statement of the notary as to the facts as he saw and heard them.

[SEAL.] JOSEPH J. HOOKER, *Notary Public.*

Notwithstanding the witness's statement that no bribe was accepted, and the record showing the witness's testimony was confined to precinct No. 2, the majority report proposes to throw out the entire nine precincts composing the city of Asheville and disfranchise nearly 3,000 voters, because at most counsel for the contestee committed the imprudence of having the perjurer arrested who had testified with reference to only one precinct. Who ever heard such a contention in a judicial proceeding or in nonpartisan investigation? I submit the majority report on this subject, like many others, is not founded either on the facts or the law or precedents, but was concocted in the fertile mind of the contestant, who, by some means, hypnotized five members of the majority who signed this report.

There was one member, Mr. DRISCOLL, of New York, who would not be a party to this partisan report and refused to join in the outrage sought to be perpetrated by this report and will decline and refuse to vote for the resolution declaring the contestant entitled to the seat. Will you who constitute the majority of this House follow his high, conscientious, patriotic stand and consider this case on its merits, or will you follow the other five members and do the bidding of the contestant, who was repudiated by many Republicans of the district and by a clear majority of its electors? I challenge your judgment and not your partisanship. If this case is tried by that rule, I have no question but this House will repudiate the report of the majority.

There is one other contention that I feel constrained to consider that is quite as audacious as either of the propositions I have discussed. The majority report contends that the ballot box at Marble precinct was stuffed by one J. V. Parker. Briefly let me turn to the record, on page 206, and quote from the testimony of J. C. Anderson:

Q. State whether or not you was at Marble precinct in this county at the election of November 8, 1898. And if so, what official duty did you perform?
A. Yes; I was there; I was one of the registrars.
Q. State what you know about one Joseph Parker putting any tickets into the box after he had voted, and all you know about it.
A. I saw Joseph Parker stick some tickets in the State box; I thought only two; if there was over two, I did not see them.
Q. Were you present when the votes were counted out?
A. I was present.
Q. State whether any tickets were thrown out of that box and not counted. If so, how many and what kind?
A. Two tickets were thrown out and not counted. They were Democratic tickets. The judges and registrars agreed to lay out two tickets to counterbalance the two that Parker put in the box after he had voted.
Q. What was the character of your election at Marble precinct in 1898?
A. It was good; no disturbance at all.
Q. At the time Parker put in these two tickets, what was his manner?
A. It seemed to me like he done it in a kind of jesting way. He done it openly.
Q. What remark did he make at the time?
A. As well as I remember, when he picked up the ballots he said, "Boys, I believe I will vote;" put the two tickets in after that.
Q. What party did you represent as registrar?
A. The Republican party.
Q. You know John Palmer?
A. Yes, sir.
Q. What duty did he perform there that day?
A. He was a judge of election.
Q. What is his general character, if you know it?
A. It is good.
Q. At about what time of the day were those extra tickets put in the State box at Marble precinct by Mr. Joseph Parker?
A. I am not positive, but I think it was something near the middle of the day.
Q. Was there any more voting done at that precinct that day after that time? And if you answer yes, state, in your opinion, about how many votes were cast after this occurred.
A. There was other voting done; about half the voters had voted at the time Parker put in these extra ballots.
Q. Were these tickets put in by Parker allowed to remain in the box among the other tickets from about the middle of the day till the polls closed?
A. They were not taken out until after the polls had closed.
Q. What did the judges and officers of the election say to Parker when he stuffed this box?
A. As well as I remember, after he had put the tickets in the box, Mr. Palmer, one of the judges, said to Parker, "Why did you do that?" and he (Parker) said "Why, that is nothing; I have did that here before several times," and Parker then said, as well as I remember, that "You can just lay out those two ballots and not count them."
Q. Did not Parker say at first that he had put three tickets in this box, and afterwards that he had only put one in, and at last agreed that he had put two in?
A. No; I did not hear that.
Q. To what political party does Joseph Parker belong?
A. I reckon he is a Democrat; I have never placed him; I have always heard that he was a Democrat; I have heard of him voting both ways; he is a school-teacher.
Q. Was Mr. Parker drinking on the day of election?
A. If he was I did not know it.
Q. Does that Mr. Parker enjoy the reputation of being a man who never drinks?
A. He may drink some liquor; I never saw him drunk.
Q. Does not Mr. Parker enjoy the reputation of being a sober man?
A. He does.
Q. Were the registration books for Marble precinct kept open during the days designated for registration of electors at the polling place?
A. Not at the polling place: they were kept open about half a mile from the polling place; they were kept open at Morrow's store.
Q. Did you hear the Democratic campaign speeches during the last campaign?
A. I don't think I heard any except Crawford, which speech that I heard was heard before the joint discussion between Pearson and Crawford began.
Q. Was the place where you say the registration book was kept open a public place?
A. It was a public place; more public than the polling place.
Q. Did the public generally know where the registration books were kept?
A. The public knew where the registration book was kept open; we gave notice by posting at the new place of registration on Morrow's storehouse door, and everybody knew about it.

John Palmer says (page 209):

Q. Were you at the election in November, 1898, at Marble precinct, in Cherokee County; and if so, what duty did you perform there that day?
A. I was judge of election at that precinct and was present all day.
Q. State what you know about one Joseph Parker putting some extra ballots or tickets, if any, in the Congressional box, and all you know about it.
A. About 1 o'clock Parker came there and voted, and in about half an hour or an hour he spoke to me in a joking manner and said, "I believe I will vote again." He stepped behind and picked up some tickets lying on a barrel and he put in two straight State tickets, to the best of my knowledge, making about three or four efforts before sticking them down. Myself and the other judges at counting time at night when we opened the boxes agreed that it would be a square and a fair count to take out those two tickets, and the two tickets were not counted.
Q. Were those tickets that were taken out and not counted voted for Crawford or for Pearson?
A. They were Crawford tickets—Democratic tickets.

There is nothing in this transaction save the witness Parker wanted to appear a little smart before the public. In open daylight in the presence of the bystanders and election officers he put in two ballots. He being a Democrat, the election officers, composed of Republicans, Fusionists, and Democrats, agreed that the fair thing would be to take out two straight Democrat tickets and not count them. This was done, everybody satisfied, and no harm done, and yet the majority has signed a report saying that this entire poll should be thrown out. Again, I submit this report is a rank piece of partisanship, and those signing it have been made a tool of by the contestant, who has been nagging at them in season and out of season. I repeat, will this House be partisan or will it be patriotic and just?

We now come to the next contention—that is, the ballot box at South Waynesville. The first irregularity complained of is that the ballot boxes were not inspected, and the ballots were placed in a ballot box containing other ballots. First, let us go to the record and see what the witnesses say about it.

J. H. Mull, a Republican and judge of election at this precinct, being a witness for contestant, says (page 66):

Q. Did the judges and registrars open and examine the boxes before the voting began?
A. No.
Q. Who, besides the judges and registrars, if anyone, were present and assisting in receiving and counting the ballots?
A. I don't know who all were sworn into it.
Q. Who aided and assisted that were not sworn, if anyone?
A. I don't know that there were any that were not sworn.
Q. Who counted the ballots out of the State box?
A. W. W. Stringfeild took them out of the box and called the names over and handed them to J. H. Brendle, who dropped them over in another box.
Q. Who brought the boxes to the polls that morning?
A. I don't recollect who it was.
Q. In counting the ballots out of the State box, state what you found.
A. We found a bunch of old tickets—maybe the box about one-third full.
Q. What was done with these old tickets?
A. They were looked over, and saw that they were old tickets and laid them over on the table.
Q. Do you know or remember how many ballots had been counted out of the State box before you knew of the presence of the old tickets?
A. There were but very few found after we discovered the old one.
Q. Who first discovered these old tickets in the box?
A. Major Stringfeild.

Q. State what Major Stringfield did or said as soon as these old tickets were discovered.
A. He said that we had voted in on a lot of old tickets.
Q. To whom did he impart this information?
A. To the judges and those present.
Q. What was then done, Mr. Mull?
A. He just looked over them and laid them on the table.
Q. Did anyone else look over the tickets?
A. Mr. Brendle, the clerk, was standing right by him.
Q. Was Mr. Brendle registrar?
A. I think he was.
Q. Did you examine any of these tickets?
A. No, sir; I did not.
Q. Do you know, or do you not know, for whom Mr. Brendle voted in the election of 1898?
A. I do not.
Q. Do you know to what political party Mr. Brendle belonged in 1898?
A. He belongs to what he calls the third party, I think; I am not positive about it.
Q. Were any of these old tickets counted either for Mr. Pearson or Mr. Crawford?
A. I can't answer that question; I don't think that they were.
Q. Mr. Mull, for whom did you vote for Congress?
A. Mr. Pearson.

W. D. Young, Republican and witness for contestant, says (page 68):

Q. Where were the registration books kept open on the days set apart for registration?
A. They were kept in Mr. Faucett's office, on Main street in Waynesville.
Q. The books were not kept open, then, for registration at the polling precinct?
A. No, sir; not at the voting place.
Q. Were you present at South Waynesville box in the evening when the counting out was going on? If so, please state who was doing the counting and what occurred.
A. I was present at that box when the counting out occurred, and Major Stringfield was taking the ballots out of the box and reading them off and handed them over to Mr. Brendle as he would call them. Mr. Brendle was one of the registrars of the election. Mr. Mull was there. He was one of the judges, I think. He was counting out of another box, probably. Major Stringfield was counting out of the State box, I think. Mr. Bramlett was there. He was another one of the judges. When they got the ballots out down toward the bottom of the box they found some old tickets that had been voted two years ago, or just like some that had been voted two years ago. These tickets were State tickets and contained the names of the candidates for Congress.
Q. Did you examine any of these tickets?
A. I looked at them; I didn't look at all of them. Major called attention to the fact when he found the old tickets in the box, and they sorted them out, the Pearson and Crawford tickets from the Pearson and Adams tickets, only the Pearson and Crawford tickets were counted, the Pearson and Adams tickets were not counted at all.
Q. About how many of the Pearson and Adams tickets were found in the box, and what was done with them, if you know?
A. I couldn't tell how many there were. There might have been some other tickets in there. There might have been some two or three hundred, maybe more, maybe less. I don't know what they did with them; I do know they wasn't counted.

* * * * * * *

Q. Assuming that the registration books in South Waynesville precinct were kept open at Mr. Faucett's office, can you state that any voter qualified to register was prevented from so doing?
A. I don't think that there was.
Q. Were not these tickets that were cast for Crawford and Pearson easily and readily distinguishable from the class of tickets that you call old tickets?
A. Yes; I could tell the old tickets from the new tickets, or anybody else could that could read.
Q. Don't you know that notice was given by the registrars where the registration books would be kept open, and that everybody entitled to register had an opportunity of so doing?
A. Yes, sir; there was notice given where it would be kept open at; I think that everybody registered that had a right to register, as far as I know.

W. H. Faucett, witness for contestee, says (page 212):

Q. Please state the location of your office, in which some of the voters were registered, with respect to the polling place; and how far is it from the polling place?
A. My office is on Main street and about 150 yards from the polling place; not over that. There was no fire at the polling place, and the registration was at my office as a matter of convenience to the registrars.
Q. Did not every voter in South Waynesville precinct entitled to register have an opportunity of so doing?
A. Yes; I heard of no complaint from anyone, and nobody objected to the registration being done in my office.

* * * * * * *

Q. Why did you fail to examine the boxes as the law requires?
A. I never thought of it, and did not know it was the duty of the registrars to do a thing of that kind.
Q. You acted as one of the registrars?
A. Yes.
Q. Did you record the names of the newly registered voters for the last election?
A. Some of them, and Corkran some of them; the other registrar was H. B. Corkran.

Maj. W. W. Stringfield, witness for contestee, says (page 213):

Q. State your age, occupation, and where you voted in the last election.
A. I am nearly 62 years old; am a civil engineer; voted at South Waynesville precinct.
Q. What time did you arrive at the polls, and were you sworn in as an election officer; and if so, for what purpose or purposes?
A. I arrived about 7 o'clock and was summoned by Sheriff Haynes and sworn in by Squire Faucett to act as clerk and to aid generally in conducting the election, as I understood my duties.
Q. Did you record in the poll book the names of the electors who voted that day in South Waynesville precinct, and were these names entered as the voter deposited his ballot?
A. I did; the name of the voter was announced at the door when the voter presented himself to vote and offered his ballot to the officer, but the name was not recorded until the registrars reported that the party offering to vote was properly registered.
Q. State what other act you performed as an officer of the election that day.
A. Some time in the afternoon the Democratic judge was called home on account of a sick child, and I assisted at the request of the other officers and took his place to a certain extent. After the polls were closed I took charge, under the direction of the two judges, Bramlett and Brendle, of the Congressional box and counted the tickets out of that box. When we neared the bottom of the box I noticed quite a number of tickets which upon investigation I found to be old county tickets of two years ago, that by some inadvertence had been left in the box.
As soon as I saw this I held my hands both over the box open, and quite a number gathered around to see what was the trouble. I used about these words: "There has been some mistake here; there are a lot of last year's tickets left in this box." Several persons gathered around to look, and thinking that some of them were getting too near I warned them and made them stand back. Among those that I recollect are Mr. W. D. Young, Republican; J. K. Boone, clerk of the court, and H. R. Ferguson. I then carefully looked through the tickets—the old tickets. These old tickets, I might say, seemed to be evenly scattered over the bottom of the box and were somewhat discolored with age, and were of a smaller size than the new tickets voted that day, and were easily discernible.
I carefully went through all these old tickets, and I perhaps found one or two recently-voted tickets. I remember counting two Republican tickets with the names of Mr. Boggs, Populist candidate for Congress. After a careful investigation of all the tickets in that box, these old tickets were all put into another box, locked up, and the key given to Mr. Brendle, the Republican judge—I mean the Populist judge. The new tickets were put in the box that they had been originally voted into. My recollection is that Mr. Bramlett took the keys to that box.
Q. Were not all of the ballots which were cast for the Congressional candidates in South Waynesville precinct in the election of 1898 counted for the candidates for whom they were cast?
A. I think so; no doubt about that.
Q. Please examine the book which I now hand you, and state if it contains a correct list of the electors who voted in South Waynesville precinct in 1898. And if so, is the same in your handwriting, and were the names of the voters entered as they came to the ballot boxes and voted?
A. This is a list of votes cast in 1898 at South Waynesville precinct for judges of superior court, judges circuit court, Congress, State senate, county representative. Those names were entered as the men voted, and were numbered; same is in my handwriting; numbers run up to 395.

F. W. Miller, deputy clerk of the court, on cross-examination was ordered by contestant to count the "old tickets" which had been preserved in a box and put in the custodyof the clerk (page 223):

Q. Without specifying the names on the several tickets, please count and state the total number of ballots in that box.
A. Three hundred and fifty-seven.
Q. Did you find among these tickets any ballots for Congress in 1898? If so, how many, and for whom were they voted?
A. I found 2 which are not included in the 357 for William T. Crawford for Congress. These 2 were regular State and Congressional Democratic tickets cast in election of 1898.

* * * * * * *

Q. Please examine the book which I now hand you and state what it is.
A. It is the record of elections.
Q. Please examine same and state how many votes were cast in South Waynesville precinct in 1896, in the aggregate, for candidates for the office of sheriff of Haywood County, and give the names of the candidates for that office.
A. There are 358 votes; the candidates were W. J. Haynes and W. H. Ferguson.
Q. Were these not the candidates whose names appear upon the old tickets in the box which you counted at the request of the contestant?
A. Yes, sir.
Q. How many tickets did you say that you discovered in that box?
A. Three hundred and fifty-seven.
Q. In the same box did you not find two Democratic tickets with the names of the Democratic candidates for judges of the superior and circuit courts, for Representative in the Fifty-sixth Congress, Ninth Congressional district, and for solicitor of the Twelfth judicial district, voted for in 1898?
A. Yes, sir.
Q. Were these two tickets intermingled with the old county tickets voted in 1896?
A. Yes, sir.
Q. Please examine the record of elections and state how many votes Mr. Pearson received for Congress in South Waynesville precinct in 1896, and also how many votes he received at the same precinct for the same office in 1898.
A. He received 84 votes in 1896 and 77 votes in 1898.
Q. Please examine the poll book for South Waynesville precinct and state how many names appear upon the same as having voted at that precinct in the election held in 1898.
A. Three hundred and ninety-five.
Q. Please examine the book which I now hand you and state what it is.
A. It is the record of elections.
Q. State how many votes were cast, in the aggregate, for candidates for the office of sheriff of Haywood County in South Waynesville precinct in 1898, separating the vote of each candidate.
A. The total number is 393. Of this number W. J. Hayes, Democratic candidate, received 328, and Wilburn R. Davis, Republican candidate, received 65.
Q. Please examine the same record and state how many votes, in the aggregate, were cast for the candidates for Congress in South Waynesville precinct in the election of 1898, giving the aggregate number of votes received in said precinct by each of the candidates for Congress.
A. The aggregate was 393. William T. Crawford, Democratic candidate, received 313; Richmond Pearson, Republican candidate, received 77; George E. Boggs, People's Party candidate, received 3 votes.
Q. Were not the ballots cast for the candidates for sheriff and the ballots cast for candidates for Congress deposited in separate boxes?
A. Yes, sir.
Q. Can you state how many boxes there are for each of the precincts?
A. Yes, sir; there are four.

Taylor Hyatt says (page 225):

Q. Were you at the polling place in South Waynesville precinct while the State and Congressional ballots were being counted out?
A. I was.
Q. State who counted these ballots. And what did you observe as this count progressed?
A. Major Springfield read the tickets, and as the count progressed he found some old tickets in the bottom of the box, which he said was the old

county tickets. Well, the old county tickets were looked through and were put back in the box.

Q. Were they separated from the tickets that had been voted that day?

A. Yes, sir.

J. K. Boone, ex-clerk of superior court, says (page 225):

Q. State your age, occupation, and where you voted in last election.

A. I am 47 years old; I have just retired from the office of the clerk of the superior court of Haywood County; am not at present engaged in any special business; I voted in North precinct of Waynesville Township in last election.

Q. When did you retire from the office of clerk of superior court of Haywood County, and how long had you been connected with the said office, either as deputy or as clerk?

A. I retired from the office the first Monday in December, 1898; was connected with the office as deputy before I was appointed clerk; I was clerk of the court for eighteen years.

Q. Were you in South Waynesville precinct during the election held there in 1898? If so, at what time, and what did you observe, if anything, with respect to the counting out of the ballots in the State and Congressional box?

A. I was at the polls twice during the day—first, going to my dinner at noon, and at night, when the votes were being counted out; I live about a hundred yards from the voting place in South Waynesville precinct, and on the street which divides the two precincts. I entered the room where the votes were being counted out about 9 o'clock, or shortly afterwards, and remained there until the counting was completed and the returns signed up; I filled out several of the returns as to names and the number of votes; I was engaged in filling up the blanks while the count proceeded; I was filling out blanks to assist in completing the count as soon as possible, and same was perhaps done at the request of some of the judges; when the count of the vote was very nearly completed in the State and Congressional box Major Springfield, who was reading the ballots, stated that he observed some old county tickets in the box, and called attention to the fact to the judges and registrars and others present; I think he asked what they must do about it; some one suggested to count out all the ballots cast in the election of 1898, and examine the box carefully and see that they got them all out; he did so, at that suggestion, taking all the new votes out from the top without disturbing the old votes, or as much so as possible; after that was done he looked through the ballots in the box—the old ballots, county tickets—and stated that the old ballots and the new ones had been separated and the new ones all counted.

Q. Did you hear Major Stringfield state that all of the ballots cast that day for Congressional candidates had been counted for the candidates for whom they were cast?

A. I did; that is my recollection, that all the tickets had been counted that had been cast that day; I will state that I suggested that the old 1896 as well as the 1898 tickets be preserved and put in separate boxes, that in case of any trouble about the matter the tickets would all be preserved for both elections—for 1896 and 1898; this was done and the boxes locked and delivered to me as clerk of the superior court; with the assistance of the judges we brought them to the court-house and deposited them; the returns were all signed up there in the room; one copy was delivered to me as clerk of the court, and another carried by one of the judges to the court-house and delivered to the register of deeds; I think Mr. J. M. Brendle delivered the copy to me.

Q. Please examine the two boxes now before you and state whether or not, in your opinion, these are the two boxes in which the old county tickets of 1896 and the State and Congressional tickets voted in 1898 were deposited for preservation, as suggested by you, as stated above.

A. These are the boxes.

The poll book in the office of the clerk of the superior court of Haywood County shows that the number of persons who voted in South Waynesville precinct in the election of 1898 was 395 (p. 223):

Congressional box:		County box—For sheriff:	
Pearson, Republican	77	Davis, Republican	65
Crawford, Democrat	313	Haynes, Democrat	328
Boggs, Populist	3		
	393		393

Thus demonstrating to a mathematical certainty that the tickets were not confused and were properly separated, except the contestee was the loser of two votes which were taken out by mistake and placed with the old ballots and not counted in his favor. Yet the majority report contends for the astounding proposition that the electors of South Waynesville precinct shall all be denied the right of having their ballots counted and the contestee refused a majority of 236 that was given him at that precinct because of a mistake of the election officers, when it is demonstrated to a mathematical certainty that the mistake wronged no one except the contestee of two votes. This brings us to the further consideration of this precinct for the reason that it is contended by the majority report that the registration law has been violated.

The irregularity complained of is that the registration books were kept open at a place different from that named in the statute. The facts are they were kept open at a place 150 or 200 yards away, as a matter of convenience for the electors and the registrars, and of which notice was given, where every elector had an opportunity and did register. The majority contends that the registration law is mandatory, and the fact that registration was had at a different place from that named in the statute renders the election held void, a contention not supported by precedent and in violation of the law as laid down by every respectable law writer. Let us first turn to the record and see what the facts are.

W. D. Young, Republican, and witness for contestant, says (page 71):

Q. Don't you know that notice was given by the registrars where the registration books would be kept open, and that everybody entitled to register had an opportunity of so doing?

A. Yes, sir; there was notice given where it would be kept open at; I think that everybody registered that had a right to register, as far as I know.

Q. How far is it from Esquire Faucett's office, on Main street, where you say that the books were kept open, from the voting place in South Waynesville precinct?

A. Two hundred yards, I guess; 250, or something like that.

W. H. Faucett, witness for contestee, says (page 212):

Q. Please state the location of your office, in which some of the voters were registered, with respect to the polling place; and how far is it from the polling place?

A. My office is on Main street and about 150 yards from the polling place; not over that. There was no fire at the polling place, and the registration was at my office as a matter of convenience to the registrars.

Q. Did not every voter in South Waynesville precinct entitled to register have an opportunity of so doing?

A. Yes; I heard of no complaint from anyone, and nobody objected to the registration being done in my office.

* * * * * * *

Q. Why did you fail to examine the boxes as the law requires?

A. I never thought of it, and did not know it was the duty of the registrars to do a thing of that kind.

Q. You acted as one of the registrars?

A. Yes.

Q. Did you record the names of the newly registered voters for the last election?

A. Some of them, and Corkran some of them; the other registrar was H. B. Corkran.

The supreme court of North Carolina. In the case of Newsom *vs.* Earnheart (86 N. C., 391) it was held that—

Where notice was given by a registrar that the registration of voters would take place at his residence, and he kept the books and actually registered the voters at his store, some 300 yards distant, having left word at the house for persons applying there to come to the store, the irregularity did not vitiate the registration or the election held under it.

In Quinn *vs.* Lattimore (120 N. C.), decided by the present supreme court, which is Republican, it is held—

That a qualified elector can not be deprived of his right to vote and the theory of our Government that the majority shall govern be destroyed by either the willful or negligent acts of the registrar, a sworn officer of the law. This would be self-destruction, governmental suicide.

* * * * * * *

It shall be the duty of the general assembly to provide, from time to time, for the registration of all electors, and no person shall be allowed to vote without registration, or to register without first taking an oath to support the constitution. (Const., art. 6, sec. 2.)

In construing these provisions of the constitution we should keep in mind that this is a government of the people, in which the will of the people—the majority—legally expressed, must govern, and these provisions and all acts providing for elections should be liberally construed that tend to promote a fair election or expression of this popular will.

The second section of article 6 was adopted for this purpose, and we are to presume that all election laws enacted since have been passed with the same end in view. This section of the constitution provides that the general assembly shall pass registration laws, and that no one shall be entitled to register without taking an oath, and that no one shall vote who is not registered. This provision of the constitution, that no one shall be entitled to register without taking an oath to support the constitution of the State and the United States, is directed to the registrars, It must be to them, and to them alone.

* * * * * * *

These rules are intended for the guidance and government of registrars, which they should observe in the discharge of their duties as registrars so as to promote the object to be attained—the free, full, and fair expression of the will of the qualified voters, as prescribed in section 1, article 6, of the constitution.

* * * * * * *

The object of the law—a fair and full expression of the will of the qualified voters—must be kept in mind. And if this has been obtained, and no fraud appears, this court will not look for mere irregularities to defeat this will.

* * * * * * *

A vote received and deposited by the judges of election is presumed to be a legal vote, although the voter may not have complied with the requirements of the registration law; and it then devolves upon the party contesting to show that it was an illegal vote, and this can not be done by showing that the registration law had not been complied with. A party offering to vote without registration may be refused this right for not complying with the registration law, but if the party is allowed to vote, and his vote is received and deposited, the vote will not afterwards be held to be illegal if he is otherwise qualified to vote.

This House has, without any exception, followed the construction given by the highest courts of a State upon its statutes.

We assert there is no authority to reject a precinct on the grounds of the irregularities complained of. McCrary says (section 140):

It is not to be presumed that the legislature in prescribing the mode of proceeding intended to make the right to vote of persons whose names are on the registers depend upon the observance by the registration officers of all the minute directions respecting the preparation of the list of registered voters. To consider such provisions as mandatory would render the constitutional right of suffrage liable to be defeated, without fault of the elector, by the fraud, caprice, or negligence of the inspectors.

The court of appeals in an able and well-considered opinion in the case of The People *vs.* Wilson (62 N. Y., 186), constructed the following section of the New York election law, to wit:

And no vote shall be received at any annual election in this State unless the name of the person offering to vote is on the said register, made and completed as hereinbefore provided, preceding the election; and any person whose name is on the register may be challenged, and the same oaths shall be put as are now prescribed by law. This section shall be taken and held by every judicial and other officer as mandatory and not directory, and any vote which shall be received by the said inspectors of election in contravention of this section shall be void and shall be rejected from the count in any legislative or judicial scrutiny into any result of the election.

The court said:

If an exact compliance by the inspectors with these directions is essential to the right of an elector to vote, elections will often fail and voters will be deprived without their fault of an opportunity to vote.

The court further said that—

It often happens that the inspectors of election are men unacquainted with the duties of the position and the numerous and sometimes complicated provisions of the election laws. The statute does not create the right to

vote. It exists by force of the Constitution, and to defeat the right because election officers failed to qualify or to certify the register, it not being shown that the result was changed by the omission, is, as we have said, against the general tenor of authority.

* * * To hold that the omission of the inspectors to organize the board of registry in precise accordance with the statute, or their failure to take the oath of office, or to certify the register, were jurisdictional defects which rendered the register void and the whole vote of the ward illegal, would be to deprive the citizens of their most important political rights, without an opportunity to be heard. For the reason stated, we are of opinion that the ruling of the court on the trial rejecting the vote of the Second Ward on the ground that the register was not made and completed, as required by the registry act, was erroneous.

The celebrated case of State *vs.* Wood (38 Wisconsin) says (page 87):

And if failure or error in duty of inspectors, of which voters have no notice in fact, could operate directly or indirectly to disfranchise voters at the election, we should encounter the same difficulty in sustaining the statute under the Constitution. Nonfeasance or malfeasance of public officers could have no effect to impair a personal vested, constitutional right.

We see no such purpose in the registry law. Surely it would be a strange attempt to protect the elective franchise and preserve the purity of elections to put it in the power of inspectors of elections, by careless accident or corrupt design, to disfranchise constitutional voters. That, we take it, would be the actual effect of avoiding elections where the inspectors use defective or irregular registers at the election as official and valid, so entrapping voters into dispensing with the proof of their right, required and authorized only when their names are not registered at the election. We can not think that such is necessary or admissible construction of the statute.

The same rule applies to the registration place and polling place (McCrary, section 139):

The removal to another place near by, of which all the voters have due notice and upon which they act, is not fatal. But the removal to a place some distance away, of which sufficient notice is not given and by means of which a portion of the electors are deprived of their rights, will render the election void. (Ib.)

In the case of Smith *vs.* Jackson (Rowell, page 13), Mr. DALZELL, in submitting the majority report, says:

In eight districts, in which he had an aggregate vote of 588 and the contestant an aggregate vote of 1,083, he asked that the total vote be excluded from the count for various reasons—in one district for one reason and in another district for another. His proposition will be found to resolve itself into a demand that the voters of these eight districts shall be disfranchised for reasons with which the voters themselves had nothing at all to do, for no fault of theirs. No one will deny that to sustain this contention strong and convincing reasons must be assigned. * * *

Where part of the officers are sworn, others not, the election is valid. Two things are noted in this connection: First, that sworn or unsworn, all the commissioners were de facto election officers; second, that no harm resulted to anyone, either the public or an individual voter, from their failure to be regularly sworn. All authorities agree that the acts of de facto officers are to be accepted and treated as valid, so far as the public and the candidates are concerned. * * *

It is to be observed that no allegation of any specific act of fraud is alleged. Your committee are asked to presume that fraud was committed because it might have been committed, and this in the absence of any pretense that a single legal vote was excluded from or a single illegal vote was included in the result announced. Your committee do not know of any principle of law that would justify them in so finding. They understand the law to be as declared in Mann *vs.* Cassidy: "An allegation of fraud committed by an election officer is immaterial unless it be also stated that the result has been affected."

Mr. DALZELL further says in the same case:

Contestee charges that the voting place in this precinct, established by order of the county court, was McGill's post-office, but that the election was held at Isaac's Branch schoolhouse, one-half to three-quarters of a mile distant from the post-office. The evidence tends to prove the above statement, but it is not claimed, nor does the evidence tend to show, that any person was deceived or prevented from voting thereby. * * * This calls for the application of the rule which protects the voter against disfranchisement from the default of a public officer, when such default has resulted in no injury to anyone.

In this case the minority submitted their views through Mr. Crisp, who stated (page 38):

The point was made in two cases that the voting place in precincts had been unlawfully changed or removed, but it appearing that the vote was reasonably full, and that all parties on election day accepted the new place as legal, we see no reason for rejecting votes on this ground, again agreeing with the contention of the contestant.

The authorities cited by the majority in their report do not sustain their recommendation to reject South Waynesville precinct on the grounds that the North Carolina statute is mandatory. They cite only two. The first (Covode *vs.* Foster, 2 Bart., page 602) says:

While it is well established that mere neglect to perform directory requirements of the law, or performance in a mistaken manner, where there is no bad faith and no harm has accrued, will justify the rejection of an entire poll, it is equally well settled that where the proceedings are so tarnished by fraudulent or negligent or improper conduct on the part of the officers as that the result of the election is rendered unreliable, the entire returns will be rejected and the parties left to make such proof as they may of votes legally cast for them.

As there is no evidence that the proceedings at South Waynesville were rendered unreliable, it is plain that the majority rely upon the first part of the quotation just given, and that their reference is based upon the typographical omission of the word "not," which a careful consideration of the context shows should be inserted before the word "justify." If this is not their reliance, then the citation has no application. Will the committee contend before the House that the—

mere neglect to perform directory requirements of the law, or performance in a mistaken manner, where there is no bad faith and no harm has accrued, will justify the rejection of an entire poll?

As lawyers will they contend that directory requirements are mandatory provisions?

The other case cited is Coffroth *vs.* Koonce (2 Bart., 32), or, as it is styled in the report, Coffroth and Koonce. This was a case of the prima facie right to a seat upon the returns pending the investigation upon the merits. The governor had omitted to declare either party elected. The committee examined into the regularity and sufficiency of the returns, and upon them recommended that Coffroth had the prima facie right to the seat. They refused to go behind the returns, and certain precincts which were not included in the legal certificates were likewise omitted by them in this prima facie contest. Their report shows that it was "without prejudice" to Mr. Koonce.

Mr. Koonce then instituted a contest against Mr. Coffroth, and in this case (Koonce *vs.* Coffroth, 2 Bart., 130 et seq.) the merits of the controversy were involved. The committee unanimously reported in favor of Mr. Koonce, disregarding irregularities and counting the very polls (pages 13 and 146) which had been rejected by the report in the prima facie case, and to which the majority refer in their citation. The latter case is an authority sustaining the contentions of contestee and against the conclusions of the majority. It says (page 143):

It is recognized that every presumption ought to be in favor of fair popular elections. We must look into their good faith and integrity; and if they are manifest, we are not to defeat the expression of the popular will because of some slip in the minor details of the election which does not prevent our ready ascertainment of what that will truly is.

We are forced to the conclusion that the majority have not considered their citations.

Remember, gentlemen, the decrees of justice are eternal; they need not be obeyed; but if disobeyed, destruction is inevitable. The unjust nation can not long blot the fair page of the world's history; the unjust man can not long obtain recognition among his fellows. It is only those who worship at the feet of justice who, retaining their own self-respect, can secure the respect and the obedience of others. In the name of justice and of truth, her handmaiden, I ask the members of this House to look not with partisan eyes, but through the light which truth will furnish, upon the facts of this case and, closing their eyes to the personality of the two candidates and their party affiliations, weigh the facts presented and the arguments made in the scales of justice and decide in accordance with th edictates of their consciences, which were given them by the Creator, who is Himself the embodiment of all justice and who gave consciences to men in order that they might understand justice.

The blind goddess sees no man, but scatters her blessings among all men. To close our hearts to the dictates of justice and open our ears only to the cry of temporary party pleading is to undermine the foundation upon which rests a government of the people, by the people, and for the people. I ask the members of this House to weigh this matter not as a question of mere party politics, but, with judicial minds and hearts receptive to the dictates of justice, pass upon the question of right, which has existed from the beginning and will last until the end, and not of policy, which exists to-day and passes away to-morrow—

For right is right since God is God,
And right the day must win;
To doubt would be disloyalty,
To falter would be sin.

Mr. LINNEY. Before the gentleman takes his seat, I would like for him to give me some information. You contend that these returns were false or true; I mean the returns of the election. You will find a tabulation on page 16, in the returns which shows that the contestee received a plurality of 238, and, although I have listened to your argument with interest, I do not know whether you maintain that these returns are true or state that they are untrue.

Mr. MIERS of Indiana. I thank you for listening to me and the interest taken.

I want to say to the gentleman and the House if there is any proof anywhere in the record to show that they are not true, that fact has escaped my attention. I will say to the gentleman now, I have argued this question on the theory that they are true; I have argued it on the theory that the election machinery means something; I have argued it on the theory that when the election machinery has been put in force and is carried to the end, and the governor of the State has made a certificate and signed it and sent it here, that it means something, that it ought not to be overturned simply because somebody charges fraud or violence. And I will say to the gentleman now that I mean what I say. I believe this certificate certifies the will and purposes of the electors of the Ninth Congressional district.

Mr. LINNEY. If you believe it certifies the will of these electors and of the result, how do you reconcile that with the fact about the 20 votes? How do you reconcile the discrepancy between that and the returns?

Mr. MIERS of Indiana. Oh, I have seen, Mr. Speaker, children at play. [Laughter.] I have seen boys at school play teeter; I

have seen them play hide and seek; but, in God's name, because in one of the precincts there happen to be in this column Mr. Crawford's vote, and in the column to the right Mr. Pearson's vote, and when they ought to have been transposed, and in that way by mistake it takes off 10 votes from Mr. Crawford, would you turn him out and disfranchise all the electors of that district?

Mr. LINNEY. No, sir; but if there was only one vote given less than the return, does not that prove that the return is not true? Now, I ask you as a lawyer——

Mr. MIERS of Indiana. A very little, I will tell the gentleman. If I were not in a frame of mind to be exceedingly generous toward the gentleman, I would characterize that as quibbling, if not something more offensive over in Indiana, where Major STEELE and I practice law. Because there happened to be an honest mistake of 10, you put the question whether that certificate certifies the whole truth. I say no. It lacks 10 by mistake, and that is all there is in it.

Mr. LINNEY. I am glad the gentleman has yielded something in that.

Mr. MIERS of Indiana. You need not be glad of anything, because, as I said in the beginning, I have gone through the record, answered your inquiry, and hope you are satisfied.

Mr. LINNEY. If it turns out that there is another 10 in the same fix——

Mr. MIERS of Indiana. If there is another ten, I will ask the gentleman from North Carolina to show it to the House. If the certificate does not state the truth, point it out. Do not go 275 miles away and talk about what Senator TILLMAN said. Do not go way down where the article was printed, 500 miles away, and which nobody saw or heard of until after the election, and arouse enthusiasm and undertake to carry this House off its feet. Give the facts. Show, if you will, whether or not the Asheville precinct is to be thrown out; show, if you will, whether Mr. Pearson was guilty of bribery; show, if you will, in your conclusion whether there was any mob violence; show the record to these honorable gentlemen, and leave it to that.

Now, I would like to ask the gentleman from North Carolina before I close, does he say now that the Asheville precinct ought to be thrown out?

Mr. LINNEY. No; I say it ought not to be.

Mr. MIERS of Indiana. What does the report say?

Mr. LINNEY. I had nothing to do with making the report.

Mr. MIERS of Indiana. I wish you would read the report. That is what I want to get the House to do, read the record, and try it as if trying a man for his life. The ballot box is as sacred as a man's life.

Mr. LINNEY. If it had not been for the objection of the gentleman from Indiana, the Asheville matter would have been out of the way.

Mr. MIERS of Indiana. Yes; and but for the objection of the gentleman from Indiana the member elected by the citizens of that district would have been out of the way. I believe the House will stand by the electors of that district. [Applause.]

Mr. ROBERTS. Mr. Speaker, it would be agreeable to this side if the other side desired to use an hour's time at this point.

Mr. MIERS of Indiana. What was the request?

Mr. ROBERTS. My suggestion was that it would be agreeable to this side if the other side desires to use an hour of their time.

Mr. MIERS of Indiana. The gentlemen on this side would much prefer to hear another argument from that side, but we will not be ugly about it.

Mr. ROBERTS. The gentleman has stated that they wanted more time over there, that they have more speakers; but if they do not care to take it, well and good.

Mr. MIERS of Indiana. I have said frankly that the gentleman from North Carolina [Mr. KITCHIN] desires the privilege of addressing the House.

Mr. ROBERTS. Then let him take the time now.

Mr. MIERS of Indiana. Will the gentleman say how many are to speak on his side?

Mr. ROBERTS. I have no statement to make now.

Mr. KITCHIN. Mr. Speaker, this House is sitting to-day in the capacity of a court. We are to decide not who the majority here wish had been elected at the last election in the Ninth Congressional district of North Carolina, but to decide who, as a matter of fact and law, was elected.

I have given this case careful study, and I hope the Republican members will give me their thoughtful attention while I discuss its different features, in order that this House may have at least the appearance of doing justice, as I hope it will do in fact, to the people of the Ninth Congressional district of my State.

Mr. Speaker, the two gentlemen who are interested in this contest in the highest manner are not unknown to the House. The contestee has served four years in previous Congresses. His people had seen him faithful in the North Carolina legislature; they had seen him in Congress for two successive terms; they had given him a third nomination; they knew him as a faithful, diligent, able, conscientious representative of the people. They therefore, in the last election, for the fourth time enthusiastically renominated him to bear again the banner of the Democracy through that Congressional district; and the evidence in this case discloses that his nomination aroused enthusiasm among the people from one end of the district to the other. Such a man is the contestee.

Who is the contestant? A man who also has served four years in Congress. He succeeded four years ago the contestee, Hon. W. T. Crawford, by the small majority of 135, but Mr. Crawford, having been defeated by that small majority, bowed to the will of the people. When the tables were turned, however, and Mr. Crawford defeated the contestant last election by 238 votes the contestant refused to bow to the will of the people. He brings a contest to this House—a contest based, in my judgment, upon the most groundless reasons that ever had serious consideration of men; certainly the most groundless ever disclosed by the records of this House.

The record discloses that this gentleman has been a political jumping jack; that he has been on all sides of all questions; that he was first a Republican, then a Democrat, then an Independent, then a Republican again. You have heard what the governor of North Carolina, a Republican governor, thinks of him, as his published interview was read from the Clerk's desk during the able speech of the gentleman from Indiana [Mr. MIERS]. You heard the gentleman from Indiana tell you also the opinion of a distinguished State senator of North Carolina, Hon. Locke Craige—a statement which, as read from the desk, sustains every word that I have said.

Such are the two men who went before the people in the last campaign in the Ninth district of North Carolina—a district against which no charge of fraud has ever before been made. If I make any misstatement, I want to be corrected. I repeat the statement: No man has ever heretofore charged the mountain district of North Carolina with fraud.

Only 10 per cent of the population of that district are negroes. It is an enormously white district. You have seen that chart out there in the lobby in which Buncombe County has a black line opposite it, 4 or 5 inches wide and 5 or 6 feet long, showing that in Buncombe County there are 1,500 or 1,600 negro voters, and that Mr. Crawford received a large majority there. Ah, gentlemen, if that chart had been intended to give true and full information to the House instead of being, as I believe, designed to mislead the House, it would have shown also the white vote of that county; it would have shown that while there are 1,500 to 1,600 negro voters in that county there are 6,500 white voters.

I tell you nothing but what every gentleman on this floor who is acquainted with Southern conditions knows to be the fact, that when you have anywhere in the South a county where the negroes constitute a considerable proportion of the voting population—say 20 or 25 per cent or more than that; and the proportion is about 20 per cent in the county of Buncombe—there you will find the negroes lining up almost solidly on one side for the Republican party; and there, Mr. Speaker, you will find an overwhelming majority of the virtue and intelligence of the white race lining up almost solidly on the other side.

I do not say that all, but I say that the overwhelming majority do so. This accounts to a great extent for the large majority that the contestee received in Buncombe and Rutherford counties. I admit that in counties of North Carolina where the negroes do not constitute an important proportion of the voting population the white people divide as they do in the North and Northwest, and in several of such counties the Republicans predominate among the white people. Why? Because there race distinctions, differences, and prejudices are not so apparent and the attention of the white people is not called so decidedly to the evils of solid colored Republicanism.

I desire now to call the attention of the Republican members of the House to the fact that this case was referred to a subcommittee composed of two Republican members and one Democratic member of this Election Committee—my friend, the gentleman from Indiana [Mr. MIERS], being the Democratic member. I want to call attention further to the fact that only one of those Republicans, the gentleman from Massachusetts [Mr. ROBERTS], was in favor of turning out Mr. Crawford and seating Mr. Pearson. I want to emphasize the fact that the gentleman from New York [Mr. DRISCOLL], the other Republican, who, I understand, is an able lawyer as well as a conscientious man and a faithful representative, after going thoroughly into this case, as a member of the subcommittee, from beginning to end, came out of that investigation under the honest impression that a great outrage was attempted to be perpetrated upon the Democrat now holding the seat of the Ninth Congressional district of North Carolina. And that Republican who had thoroughly studied this case refused to join the gentleman from Massachusetts [Mr. ROBERTS] in this unrighteous report against Mr. Crawford.

Mr. Speaker, I give it as my opinion, in the light of what this report discloses and what we have heard here to-day, that the

gentleman from Massachusetts [Mr. ROBERTS] has made a report and an argument based upon facts that do not exist, with an apparent lack of acquaintance with the real facts in the case and a total unconsciousness of the great principles of law upon which such cases ought to be decided.

I believe, Mr. Speaker, that when a man has received the votes of a great constituency and comes to this House holding their commission it is an honor and a pleasure to represent them. But I doubt that any man, when he has deprived the people of their choice by a majority vote of his party friends here, and secured a seat upon the floor of this House by such methods, can ever reap honor or gain pleasure from it. Though he may mingle with the gay, hold his seat, and vote upon great questions, I imagine that down in his own heart there will remain forever a sense of shame, eating away his happiness and pleasure like a cancer. [Applause on the Democratic side.]

We are told that the strange woman said that "Stolen waters are sweet," but we are also told that her "guests are in the depths of hell." Stolen districts may be sweet, but it is none the less true that those who aid the robbery and enjoy its fruits should be destined to political destruction. Try this case upon the facts; try it upon the great principles of honest elections that ought to guide every man. I shall go into this case in the best manner that I can in the limited time remaining to me, and think I can show every honest, fair-minded man; everyone whose mind is not already filled with prejudice against us, that the returning boards of North Carolina have made no error and no mistake in this matter to justify the reversal of the expressed will of the people as to who is and shall be their Representative. The gentleman from North Carolina [Mr. LINNEY] just now asked a question of the gentleman from Indiana if this alleged error of 20 votes upon the face of the returns was not sufficient to throw out the returns of the entire district.

Mr. LINNEY. Will the gentleman allow me?

Mr. KITCHIN. Certainly.

Mr. LINNEY. I did not ask any such question. I asked if it did not disprove the accuracy of the returns.

Mr. KITCHIN. Was not the point in your mind that if these returns were shown to be inaccurate that they should be discarded?

Mr. LINNEY. Not at all. I was not so big a fool as that.

Mr. KITCHIN. Then the gentleman was quibbling with the House, if he did not mean something by his remarks, by interjecting a senseless and a meaningless question into this discussion.

The first error of 10 votes was made by a Republican clerk of Cherokee County, and was a mere clerical error. The other 10 votes, claimed to be a mistake by a transposition in some way or other, makes a total of 20 votes.

But the gentleman from Massachusetts [Mr. ROBERTS] failed to tell you that in recounting the votes of that district, recounted at the request of the contestant, Mr. Crawford gained 9 votes. We did not hear anything about that from the gentleman from Massachusetts. And the gentleman from North Carolina [Mr. LINNEY] did not suggest that Mr. Crawford had gained 9 votes in the recounting, and he asked a question here which, whether he meant it or not, left the impression upon my mind and, I believe, upon the minds of the House that because there were two little clerical errors made in recording the votes of 223 voting precincts that was something important against this gentleman who holds his seat here.

Mr. LINNEY. If the gentleman will allow me, he did not catch my question at all. The distinguished gentleman from Indiana [Mr. MIERS] took the position, in answer to an interrogatory that I put to him, that these returns were absolutely true. I then called his attention to the fact that it was conceded, or if not conceded it was proven, that the true vote was 20 more than the returns. Then I asked if it was but one more than the returns, would not that prove that the returns are not true?

Mr. KITCHIN. But, as I now understand, you did not mean that the returns should be discarded on that account?

Mr. LINNEY. I did not mean that the whole result of the election should be discarded on that account.

Mr. KITCHIN. Then I have no difference with you on that score.

Mr. LINNEY. But that was only a circumstance weakening the returns.

Mr. KITCHIN. Yes; it is a circumstance of one error made by a Republican clerk in Cherokee County, and——

Mr. ROBERTS. The gentleman has stated that the recount of the Muddy Creek precinct, where there was an error of 10 votes by transposition——

Mr. KITCHIN. I did not mention Muddy Creek precinct. The 9 votes to which I refer——

Mr. ROBERTS. If the gentleman did not mention and did not mean Muddy Creek precinct, what does he mean? What does he mean by telling this House or giving this House to understand that the majority have not given the right impression? The majority confine their statements to an error of 10 votes at Muddy Creek.

Mr. KITCHIN. If you had read this record you would know to what I referred. There were 2 votes discovered in this contest which should be added to Crawford at Waynesville; there was one gained here and another there throughout the district, making an aggregate of 9, enumerated in contestee's brief, and if the gentleman from Massachusetts had read this entire record he would have known to what I was alluding. It is set out in particular in the brief. If the gentleman had ever studied the brief filed he would have seen it. But I have not time to discuss one or two votes here and there.

The gentleman wanted to withdraw that assertion about mob violence on the night before the election. No wonder. A complaint had been filed by contestant, a brief had been filed by him, the case had been argued, the report of the majority had been made in this case, all laying stress upon the lynching of the negro Moseley in Macon County. The notice of the contest says that the campaign culminated in the lynching of this negro. I say that the report which the gentleman from Massachusetts [Mr. ROBERTS] filed in this case says that the notice of contest declared that the campaign culminated in the lynching of a negro on the night before the election, and then the gentleman's report says that owing to this mob violence and other things they had sufficient grounds to overthrow the entire majority of the contestee.

I say he laid stress upon it, and this stress was never raised until the gentleman's calmer judgment, weeks and perhaps months after this report had been filed, and his sober second thought came to him. I do not blame him for being ashamed of it and asking that it be withdrawn and not considered. Why? Because the fact was that in that very county the contestant gained 115 votes over his vote in 1896. The adjoining counties gave Pearson a better vote than in 1896 and showed a decrease in the Democratic majorities.

Mr. ROBERTS. Will the gentleman yield for a question?

Mr. KITCHIN. Certainly.

Mr. ROBERTS. I understand from the temper of the gentleman's remarks that he seems to think I have asked to have all allusions to the lynching and mob violence withdrawn.

Mr. KITCHIN. Yes.

Mr. ROBERTS. Is that true?

Mr. KITCHIN. I understand that to be your position.

Mr. ROBERTS. Then the gentleman understands wrongly. I have not asked to have that withdrawn and do not want it withdrawn.

Mr. KITCHIN. I understood you to make remarks in this body indicating that you did not ask this House to consider that.

Mr. ROBERTS. Oh, no, Mr. Speaker.

Mr. KITCHIN. All right.

Mr. ROBERTS. What I said in my speech was that the committee did not decide the case on that point because it was not necessary. There were other points.

Mr. KITCHIN. Then I understand you to mean that if it were necessary, you would still insist upon it.

Mr. ROBERTS. Mr. Speaker, the gentleman may understand me to say that had there not been other and more vital questions involved, the committee would have given closer consideration of it.

Mr. KITCHIN. I understand the gentleman to say that if it had been necessary, he would have taken consideration of it.

Mr. ROBERTS. Oh, no, Mr. Speaker, the gentleman is trying to put in my mouth words that I have not uttered.

Mr. KITCHIN. I want to know what the gentleman did say.

Mr. ROBERTS. The gentleman wants to impute to me what I have never expressed. All I have said is this, and this alone, that had it been necessary, had there been nothing else on which to base the passage of this case, one way or another, that would have decided it, we would have given closer consideration to the point involved in that lynching matter. That is all I intended to say.

Mr. KITCHIN. And yet while he did not ask the House to consider it, deliberately and predeterminately, they drag it into the notice of contest, into their brief, and into their report. The gentleman from Massachusetts drags it into this open House; and when he is asked if that is a point on which he would decide this case, I do not wonder that he squirms and says that that is not the point.

Now, as to this lynching which happened on the night before the election. He was a Georgia negro, who can not be said to have any connection with the election. On Sunday night preceding the election he attempted a rape, first upon the wife of a Republican; and in twenty minutes afterwards he again attempted a rape upon the wife of a Methodist minister who was then holding services in his church in the little town of Franklin. He broke into the house, kicking the doors open. She seized a pistol. He grabbed her and badly tore her hand, the evidence showing when her neighbors ran in—her bloody arm and bleeding hand. The evidence shows that Republicans, Democrats, and Populists gathered in numbers throughout the next day, and on that night, against

the protest of the Democratic solicitor of that district, Hon. George A. Jones, and a Democratic State senator, Hon. J. F. Ray, a mob composed of Populists, Republicans, and Democrats gathered at the jail, without any regard to politics or political conditions, and took that negro to the bridge across the river and there lynched him.

The witnesses, your witnesses as well as ours, in this case say that this incident was absolutely without political significance or effect. As I just now stated, in that very county and in the adjoining counties the contestant received a larger vote than he received two years before. Let us understand this fully. In this county of the lynching and in the adjoining counties contestant ran better than two years before, and yet in order to mislead this House from the true facts they say this campaign was a campaign of bloodshed and intimidation, which culminated in the lynching of this negro, while in fact the lynching of this negro had nothing to do with the campaign; and I challenge the gentleman from Massachusetts, or any other man, to go to the record and show one scintilla of evidence tending to prove that it had anything to do with it. It is just another instance of irrelevant matter brought into this case to create prejudice against that district.

They went down to the Wilmington district and took evidence of things alleged to have happened there; they examined into conditions 300 miles away from Crawford's district, and bring into this case facts that do not exist in his district, facts which can have no bearing on this case, in order to lead the minds of this great American Congress away from the facts and conditions in the district which is under discussion. Now, sirs, what pretext can you invent by which to justify going into the Wilmington district, 300 miles away, and examining the conditions there? It was done to create prejudice in this case.

This case should be tried entirely on the evidence pertaining to it. It should be tried according to the conditions that existed in the Ninth district, in which, owing in part to the disaffection in Republican ranks, the contestee defeated the contestant fairly and squarely by the votes of those honest mountaineers. Let me pass on from that mob violence, as the gentleman does not seem to know what position he takes upon it. I stated the facts that the record bears out, and if anyone who preceded me or who will follow me will find one scintilla of evidence in this case contravening the statements I have made, let him do so while I have the opportunity to refute it by the record.

Mr. Speaker, so much for the mob violence on the night preceding the election. Now, let us go to Black Mountain precinct, as I want to show you, gentlemen, the facts upon which they ask to unseat Mr. Crawford. They say that in the Black Mountain precinct the gentlemen whom they say had tampered with the county box had the Congressional box in his possession. This gentleman is a man of good character, and testifies to the falsity of the charges against him, and his contention is supported by witness after witness in this record. I admit that the other side has evidence tending to show that this gentleman did take tickets from the county box; I say there is evidence tending to show that, which he contradicts and a half a dozen other witnesses contradict.

But take their view of it. The utmost that they could pretend to show by the most partisan witness that they could summon in that county was that the gentleman took tickets out of the county box. All contestant's witnesses say out of the county box. You must remember that we had three boxes at each precinct—a township box, a county box, and a State box. Now, the county box is separate and distinct from the State or Congressional box. This gentleman is alleged to have taken tickets out of the county box, and for that reason, and that reason alone, the gentleman from Massachusetts [Mr. ROBERTS] asks you to throw out the Congressional box. Gentlemen, was a more outrageous proposition ever before submitted to a court? I dare say there is not a lawyer in this House that would lay down such a proposition before any justice of the peace in the land.

They try to show that there was some tampering with the county box, and not a scintilla of evidence to show any tampering with the Congressional box, and yet in this case, having shown absolutely nothing in regard to the Congressional box, they ask you, with consummate cheek, to throw out that box. That is all there is of it in the Black Mountain precinct. Absolutely not even an attempt to prove anything against the Congressional box, and if you were sitting as a jury in any court in this land, and would read the evidence, you would find not only that there is nothing against the Congressional box, but absolutely nothing the matter with the county box. Because if you will read the record and the views of the minority you will see by the evidence they cite that these witnesses who support the contention of the contestant as to the county box are, as I recollect, shown to be men of weak character.

One of them, his own mother said, had sworn falsely, and was charged with having sworn that he once saw a track; and from that track he was able to swear that the man that made the track had a gun on his shoulder and a dog following him. [Laughter.] That is the kind of testimony, as I recollect it, but I have not time to dwell longer upon this precinct.

Let us go to the Old Fort precinct. They say there were nine distinct varieties of fraud there, but the evidence does not support the assertion. Mr. Speaker, upon what did the gentleman from Massachusetts base his argument? Upon the alleged fact that the poll lists had been destroyed. If the gentleman will read the evidence as carefully as he ought to, he will find that the papers that were thought to have been destroyed were not the poll book, but the tally sheets. I see the gentleman laughs. He laughs in his ignorance. I read from the testimony from his own witness, on page 155. This is your witness, S. W. Blalock:

Q. Was any poll list kept there that day showing the names of the men who voted?
A. Yes; there was.
Q. Was that sent up to the clerk along with the returns?
A. I can't say it was; I don't think it was.
Q. What became of it?
A. Mr. Justice again spoke and asked Mr. Hemphill about the scrolls. Mr. Hemphill said, "Damn the scrolls; burn them up." I did not see them burned.

The gentleman is still laughing. Now, please turn to the testimony of the same witness on the next page, where the question is asked him as follows:

Q. For what purpose were the scrolls mentioned by you in your direct examination kept?
(Contestant objects on the ground that the law settles this question and that it is not one of fact.)
A. We used it for counting the votes on—one, two, three, four, and tally.

Now, where are your poll books that were burned? It was nothing in the world but separate sheets of paper upon which they kept the tally. He does not say even that they were burned. He says he did not see them; but whatever happened, it was the scrolls upon which they kept the tally—"one, two, three, four, and tally." Would the gentleman from Massachusetts now say that it was the poll book burned, in the light of what his own witness testified? He will not do it, because nothing but the tally sheet was meant. The witness says positively—and he knows what he is talking about—that it was the tally sheet upon which they kept the tally—"one, two, three, four, and tally"—and that is not the poll book. I will inform the gentleman from Massachusetts of a fact, of which probably he is aware, that tally sheets are not required to be returned.

Now, with vehemence, they jumped upon the poll book when they were examining their witnesses. They went on the assumption that the poll book had been burned. Some witness had called the tally sheet a poll list, and so they assumed that the genuine poll book had been burned, when as a matter of fact it never had been alleged to have been burned.

Now, this genuine poll book was presented to contestant as the poll book, but it was not introduced in evidence by contestee, as the gentleman from Massachusetts argued. This was twenty-five days before contestant's time for taking evidence in chief expired. It was not introduced in evidence by anybody, and yet the contestant, after contestee's time for taking testimony had closed, although the contestee had never introduced a word of testimony in regard to this precinct in his rebutting testimony, a thing which he had no right to do under the law, goes in and attacks this poll book and by methods which the contestee had no power to meet——

Mr. ROBERTS. The gentleman says that what was burned at that precinct was the paper on which the tally sheet was kept. How does he reconcile that with the statement on page 163, that—

contestee hereby tenders to the contestant these papers as the poll list and tally sheets from Old Fort precinct in the election of 1898?

Mr. KITCHIN. Neither was burned; and the witness did not say that either was burned. He said that he could not say they had been burned. But I say the gentleman from Massachusetts made his speech upon the hypothesis that that witness had said it was the poll book of which he heard a poll holder say, "Burn them up." It was the tally sheet that he was speaking of, and not the poll book.

Now, Mr. Speaker, I pass to the next precinct—Limestone. We are asked to throw out the entire vote of that precinct. For what reason? Because the contestant has proved, or claims that he has proved, that two men down there had sold their votes. The proposition, in other words, is to throw out the entire township because two men have been accused of having sold out. The outrageous demand is made upon the intelligence of this House that 242 honest voters, against whom no charges have been made, shall be disfranchised simply because two men in that precinct have been accused of selling their votes.

Mr. Speaker, the utmost that good conscience or the principles of the law will allow us to throw out are the votes of the two men who are proven to have been bought. If we go beyond that and throw out the precinct, we go beyond any precedent ever set by any deliberative body in the world. Is the American Congress going to support such a contention? If so, we may as well enact a law that when a man belonging to the same party as the majority of the House makes a contest in this House he shall be seated;

for that can not be done in the name of justice, in the name of liberty, in the name of common sense, in the name of conscience. If done at all, let it be done in the name of brutish power and party prejudice.

So much for Limestone precinct. Now, what are the facts in regard to precinct Ivy, No. 1, the entire vote of which this committee recommends to be thrown out, that recommendation being based upon a precisely similar state of facts as in Limestone. It is proved that there were three cases of bribery there. After examining many witnesses the contestant's evidence tends to prove three disconnected individual cases of bribery; and on this ground he asks that 330 honest voters of that precinct be disqualified or disfranchised. I say again that no precedent can be found for such proceeding and that no man can find a justification for it in his own conscience. The American people if they understood the facts would disgrace and defeat any man who would stand here and with deliberate knowledge of all the facts unseat a member elected by the people, upon such grounds as are the support of this unholy report.

Gentlemen, it is time for plain speaking. The American ballot is being discussed from one end of the country to the other. What do we desire to accomplish by our elections? We want to ascertain the will of the qualified voters. Can you ascertain that will by throwing out the votes of 600 men because 5 voters have sold out? You can not do it with common honesty.

I now go to Asheville precinct. What do the majority of the committee in their report recommend in regard to that? They recommended, in the first instance, that the entire city of Asheville, with the 2,567 ballots cast there in the last election, be thrown out; that that entire city, with its overwhelming white population, be disfranchised because a perjurer was arrested for perjury committed three months after the election, during the taking of testimony in this case.

This man was afterwards convicted of a felony and was sentenced to serve a term in the chain gang for his crime. A certificate of this conviction is at hand. I say he committed perjury, because two of the best men in the district swore to the exact contrary of what he swore. I refer to a member of the North Carolina State senate, Hon. Locke Craig, and to Hon. J. D. Murphy, one of the most distinguished lawyers of western North Carolina.

Their theory was that this arrest deterred other witnesses from testifying for contestant. Although these other witnesses that the contestant had had subpœnaed and failed to appear were summoned, as stated by the notary public, to be examined in regard to one precinct, Asheville No. 2, the same precinct concerning which the witness who was arrested had been examined—Asheville No. 2—so great was the zeal of the gentleman from Massachusetts and so unconscious was he of the facts of this case and the principles that should govern elections that he presented the report recommending that we throw out not only Asheville No. 2, in reference to which these witnesses were summoned, but that we throw out also the entire city of Asheville, embracing eight other precincts, about which there was no contention—about which not a line of evidence in this case has shown anything wrong.

No wonder that the gentleman after maturer reflection thought it an honor to himself and a matter of duty which he owed to the House to take back track on that proposition. So he came in here this morning and wanted to withdraw his recommendation in regard to Asheville. Why? Because everybody knew that the honest people of the mountain district of North Carolina would spurn with indignation and contempt any man, Democrat or Republican, who would set the seal of his approval upon such a proposition.

Gentlemen knew more than that—that in the far-off home of the gentleman from Massachusetts, his constituency, if they should ever put their eyes upon this record and find him recommending the disfranchisement of the entire city of Asheville on the grounds presented here, would condemn and repudiate him. No wonder gentlemen of the majority of the committee wanted to withdraw that. They ought to have wanted it withdrawn. But in my humble judgment, if they had not heard from the people, if they had not heard the wave of indignation that rolled over this country, shown by the newspapers, and throughout North Carolina, and especially in Asheville, they never would, in my honest opinion, have withdrawn it; they would be here to-day insisting upon it, in all its error, if it was necessary to seat the contestant.

But they discovered that if they insisted upon that position the Republicans in North Carolina would go around in this campaign with heads hanging down in humiliation and shame for the party that would perpetrate such a disfranchisement of a great American city, and so they verbally ask that it be ignored here to-day, after having deliberately in their solemn report devoted two pages to an argument in favor of rejecting Asheville, and in their summary actually rejecting it.

Now let me go to Waynesville. Gentlemen, if a piece of highway robbery was ever attempted in politics, it is in regard to this precinct known as South Waynesville. What are the facts? The great fact that disturbs gentlemen on the other side was that Mr. Crawford got 236 majority there, and they want to throw it out.

Let me tell you, Republicans, from whatever section of the United States you come, I want you to answer me this question in all good conscience: If the votes there had been reversed and the Democrats had thrown out South Waynesville in order to elect Mr. Crawford upon these facts, and Mr. Pearson had entered a contest here, and if the putting in of Waynesville would have elected Mr. Pearson, I ask you in good conscience would not every one of you vote to put it back and count it? You would, and you know you would. Mr. Crawford got 236 majority. What is the allegation against that precinct? There was no new registration there, but they say that there were a few people registered 150 yards from the polling place, while the North Carolina law says that the registration must occur at the polling place.

Mark you now, it is proposed to throw out South Waynesville upon a ground that you would put it in again if it had been for you, because some of the electors were registered 150 yards from the polling place. Let me call your attention to the fact that the majority of these poll holders and registrars were members of parties which were hostile to the contestee. In that district and throughout North Carolina a majority of the registrars and judges, in nine cases out of ten, were fusionists and against the Democrats.

Why, you know, under the law that the fusionists passed every political party was entitled to one registrar and one poll holder at each precinct, and that law defined a political party to mean any party that had cast 30,000 votes for governor in 1892. That meant Republicans, Populists, and Democrats. There was generally throughout the State fusion between the Populists and Republicans. So they had two fusionists against one Democrat upon the registration board and upon the election board as judges of election. So whatever wrongs have been committed, whatever irregularities have been perpetrated, were perpetrated by a board consisting of a majority belonging to political parties hostile to the contestee.

Now, they held the books open, and a few men registered away from the voting place. The gentleman from Massachusetts [Mr. ROBERTS] goes down to the legislature of North Carolina and takes up an election contest before that legislature in which the Democrats unseated two Republican senators and seated two Democratic senators. But how did they do it? The gentleman apparently was ignorant of it. He asked me how I got my information. I might have retorted by asking him how he got any information about it; but the utmost extent to which that Democratic legislature went in that case, in which this precinct of South Waynesville was not involved, was this: They found out what individuals had registered on days other than those prescribed by law, and then they found out how those individuals voted, and they found that a majority of the individuals that registered on days not prescribed by law voted the Republican ticket.

Therefore they threw out, I believe, 17 men who registered on the wrong days and voted the Republican ticket and turned out the Republican senators, showing conclusively that a majority of those men who had thus registered were Republicans. Upon that ground, as the gentleman from Massachusetts [Mr. ROBERTS] knows, the Democratic legislature dared not to throw out the entire township, not to disfranchise those men who were properly registered, but merely threw out the individual votes of those who had registered on the wrong days, and by that method, a majority of them being Republicans, they turned out the two Republican senators. But they required the Democrats even then to name the voters and show how they voted.

Yet, as the minority truthfully say in their views, that is not fair, that is not law. We deny it to be law, we deny it to be justice, we deny it to be right between constituents and Representatives. Why? Because under a law of North Carolina, as construed by its highest court, which is still a Republican court, it was held that after a man has voted, it matters not how he registered or where he registered or whether he was registered at all, after he has voted you can not throw out his vote except by showing that he was not a qualified voter under the constitution. You must show that he was disqualified. The gentleman from North Carolina [Mr. LINNEY], who has been taking an interest in this case, argued that case in the supreme court of North Carolina, and took exactly the position that I am taking now, the exact opposite to the position that I fear he is going to take in this case.

A MEMBER. He was a Democrat then.

Mr. KITCHIN. No; he was not a Democrat then.

Mr. THROPP. Will the gentleman allow me to interrupt him?

Mr. KITCHIN. Certainly.

Mr. THROPP. I understand that in the case of your two State senators you did throw out those 17 votes, and thereby threw

out two Republican State senators and put in two Democratic State senators. Is that true?

Mr. KITCHIN. Yes, as I understand.

Mr. THROPP. And afterwards your court decided that they had no right to throw out the 17 votes, and consequently the unseating of the Republican State senators was illegal?

Mr. KITCHIN. No; their case was never before the court. The court decided the principle to which I alluded before that. I will say to the gentleman that the North Carolina legislature did not pretend to throw out the entire precinct or disqualify any man who was properly registered, but they merely threw out those who were improperly registered.

Mr. THROPP. I understood the question was whether your court decided that they had no right to throw out those 17 votes, and then your two Democratic senators——

Mr. KITCHIN. That case never reached the court.

Mr. LINNEY. I will ask the gentleman, with his permission, if he does not know that the law under whch I brought the suit which he speaks of was a statute that was not in existence at the time your Democratic legislature took the action that you speak of?

Mr. KITCHIN. I understand that, and the gentleman knows I understand it. Mr. Speaker, I am astonished that the gentleman from the Eighth district of North Carolina should trifle with the intelligence of this House and quibble about this matter in this way. The gentleman knows that the case that he argued, and that I have in my hand here, was a case that arose under an election law and a registration law where they made the same charges made here—that the voters had not been properly registered; and yet the gentleman now undertakes to make you think that because that law has been repealed and another law practically the same in this respect has been substituted, that therefore the fundamental reasons upon which that case was decided should never have weight with intelligent men again.

Mr. LINNEY. Which do you think did right, the supreme court or the legislature?

Mr. KITCHIN. The supreme court was right.

Mr. LINNEY. And the legislature was wrong, was it not?

Mr. KITCHIN. In my opinion, the legislative committee was wrong in its construction of the law.

Mr. LINNEY. Then you stole those two senators, did you not?

Mr. KITCHIN. No, sir. I think the legislature was wrong, but honest in the matter. Now, I have not got time to yield unless I can have my time extended.

Mr. THROPP. If the supreme court was right, then were those two Democratic senators right in holding their seats, as I understand they did?

Mr. KITCHIN. My opinion is that the legislative committee missed the law. That is my opinion after having investigated election laws and authorities and considered the principles upon which election cases should be decided thoroughly and fully. It is in accordance with McCrary, it is in accordance with Paine, it is in accordance with every thoroughly considered case which I have been able to find. We have cases from Wisconsin, we have cases from Illinois, we have cases from New York, that bear out the position I take, which is that after a voter has voted it is contrary to law, contrary to good conscience, and contrary to sound public policy to throw out that man's vote simply because he was registered at a wrongful place or at a wrongful time.

Mr. THROPP. And yet those two Democratic senators held their places in the North Carolina legislature.

Mr. KITCHIN. The only thing I called attention to in that was that the Democratic legislature did not dare to go to the extent that the Republican committee go here. The committee here propose to disqualify not only those who were improperly registered, but also to disqualify the entire precinct, nine-tenths of whom were properly registered. The Democratic legislature of North Carolina only went so far as to disqualify those who were registered at the wrong time.

Mr. THROPP. But they did go as far as necessary to secure those two seats, and kept them.

Mr. KITCHIN. And probably you Republicans will go far enough to seat your man; but if you do, you will go contrary to all precedents, to all law, to all justice, and to all common sense.

Mr. THROPP. We would only be following your example.

Mr. KITCHIN. You should not follow a bad example at any time, and yet you propose to go far beyond the North Carolina legislature.

Now, hear what the North Carolina court decided, and follow the decision here. Listen to the North Carolina supreme court, and answer me, you Republicans who come from the State of New York, the State of Wisconsin, and the State of Illinois, if it is not your law, and if it is not right. The supreme court of North Carolina said this, and this decision and the principles enunciated in it attach themselves to every North Carolina case. They are applicable to every case that can arise in North Carolina, whether under registration or election laws or in other matters pertaining to elections. Listen! The court says in the case of Quinn against Lattimore (120 N. C. Rep.):

> That a qualified elector can not be deprived of his right to vote, and the theory of our Government that the majority shall govern be destroyed by either the willful or negligent acts of the registrar, a sworn officer of the law—this would be self-destruction, governmental suicide.

I ask you are you going to allow the election registrars, the majority of whom are against the contestee, to register men away from the polling precincts and then disqualify the voters there and throw out votes honestly cast because of the negligence or willful acts of the registration officers? If you do that, you fly in the face of the latest decisions of every court of any repute in the United States which has passed on such questions. You fly in the face of your own consciences. Let me proceed with this opinion.

> It shall be the duty of the general assembly to provide, from time to time, for the registration of all electors, and no person shall be allowed to vote without registration, or to register without first taking an oath to support the constitution. (Constitution, Article VI, section 2.)

You must be registered, and you must take an oath. Now, in this case of Quinn against Lattimore men voted who had not taken the oath, and men voted who had not registered, and yet the supreme court sustained their votes, because under the constitution they were qualified electors.

The court below had made a contrary decision, and had rejected these unregistered and unsworn voters, but the supreme court overruled it, and counted their votes, because as a matter of constitutional justice in North Carolina they were entitled to vote. This court holds just as the courts of Illinois, New York, Wisconsin, and various other States, that all laws intended to secure uniform registration of the qualified electors are directory and not mandatory. They are instructions to the registration officers, who may refuse registration contrary to them, but if they register a voter contrary to them, and he votes, then his registration can not be questioned.

Says this case:

> In construing these provisions of the constitution we should keep in mind that this is a Government of the people, in which the will of the people—the majority—legally expressed, must govern, and these provisions and all acts providing for elections should be liberally construed that tend to promote a fair election or expression of this popular will. The second section of article 6 was adopted for this purpose, and we are to presume that all election laws enacted since have been passed with the same end in view. This section of the constitution provides that the general assembly shall pass registration laws, and that no one shall be entitled to register without taking an oath, and that no one shall vote who is not registered.
>
> This provision of the constitution that no one shall be entitled to register without taking an oath to support the constitution of the State and the United States, is directed to the registrars. It must be to them, and to them alone.
>
> * * * * * * *
>
> These rules are intended for the guidance and government of registrars, which they should observe in the disharge of their duties as registrars so as to promote the object to be attained—the free, full, and fair expression of the will of the qualified voters, as prescribed in section 1, Article VI, of the constitution.
>
> * * * * * * *
>
> The object of the law—a fair and full expression of the will of the qualified voters—must be kept in mind. And if this has been obtained, and no fraud appears, this court will not look for mere irregularities to defeat this will.
>
> * * * * * * *
>
> A vote received and deposited by the judges of election is presumed to be a legal vote, although the voter may have not complied with the requirements of the registration law; and it then devolves upon the party contesting to show that it was an illegal vote, and this can not be done by showing that the registration law had not been complied with. A party offering to vote without registration may be refused this right for not complying with the registration law, but if the party is allowed to vote, and his vote is received and deposited, the vote will not afterwards be held to be illegal if he is otherwise qualified to vote.

This is law contrary to which not one single precedent has been found by the committee in the courts of this country; and yet gentlemen here ask you to disregard that, and although no fraud is alleged in South Waynesville, they ask you to throw it out because a few voters were registered a hundred and fifty yards from the polling place. The court in that case overruled the case of Harris against Scarborough, which had held our registration laws mandatory, and in overruling it declared those laws directory.

If you follow the reasoning and follow the decision of this case of Quinn against Lattimore, which was decided two or three years ago, in the One hundred and twentieth North Carolina Reports, you are bound to say that the gentleman from Massachusetts in recommending throwing out this princinct is wrong in principle and contrary to the laws under which the election was held. Upon whom should the voters of North Carolina depend for the construction of their laws? They should depend upon the supreme court of the State. The electors knew the candidate and had a right to presume that the principles announced in the case of Quinn against Lattimore would govern our elections.

They knew that their votes were cast by qualified voters, that they had been registered; and fully understanding the issues at stake and the condition of State affairs brought about by the Republicans, at this precinct they voted for Crawford by a large majority. Now, for this House to throw out South Waynesville and reject Crawford's majority of 236, fairly cast, is to overturn

that decision, to overturn the judgment of the North Carolina supreme court, and to repudiate the contention of the gentleman from the Eighth district [Mr. LINNEY] made in that case. They recommend that you ignore that decision and throw out this precinct of South Waynesville contrary to justice and common sense, and thus disfranchise 400 voters because a few men were registered 150 yards from the polling place.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KITCHIN. I would like to have ten minutes more to close up this precinct. It is not my disposition to delay the House.

The SPEAKER pro tempore [Mr. DALZELL]. The gentleman from North Carolina asks that his time be extended ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KITCHIN. The evidence shows, the witnesses for the contestant testify, that every man registered that had the right to register, and that no man failed to register, and that a full vote was polled there. The evidence discloses these facts. And yet they want to throw it out. They recommend the disfranchisement in their report of 400 voters. "Oh," but they say, "we have another little thing against South Waynesville." You Republicans know that if we had thrown out a precinct on the ground that they ask it, you would reverse us and seat your man in the twinkling of an eye. I dare say there would not be a Democratic committeeman in this House who would have the cheek or ignorance to stand up and seriously argue that the precinct had been properly thrown out on these grounds.

Why, I recollect the case of Smith against Jackson, in which Mr. Crisp, twice Speaker of this House, and the gentleman who now occupies the chair [Mr. DALZELL] made the two reports, and they agreed in their reports that these immaterial matters, when no injury had resulted, should not be considered in arriving at a judicial determination in such cases. That was a case where the polling place had been removed without authority from a post-office to a shoolhouse a half mile down the road, but the gentleman who now holds the Chair said in his report that there seemed to have been a full vote polled, and it seemed that no harm had accrued.

Mr. Crisp coincided with him in presenting his views, and both agreed upon the point that where no harm was done the American Congress should never stoop to such a precedent as to disfranchise a precinct on such ground. I have it here. I will read what the gentleman from Pennsylvania [Mr. DALZELL] said in his report:

> Contestee charges that the voting place in this precinct, established by order of the county court, was McGill's post-office, but that the election was held at Isaac's Branch schoolhouse, one-half to three-quarters of a mile distant from the post-office. The evidence tends to prove the above statement, but it is not claimed, nor does the evidence tend to show, that any person was deceived or prevented from voting thereby. * * * This calls for the application of the rule which protects the voter against disfranchisement from the default of a public officer, when such default has resulted in no injury to anyone.

And Mr. Crisp, in presenting the views of the minority, coincided with him. Are you going to contradict that rule of justice? I ask you not to do it in the name of the good people of the Ninth district of North Carolina. But they say there were some old ballots in the ballot box. It is true, as disclosed by the evidence. The law under which the election prior to that was held required the ballots of 1896 to be deposited in the ballot box and deposited with the clerk of the court. On the morning of the election the clerk of the court gave the election officials a ballot box in which to hold the election in that precinct.

The electors proceeded to vote in that box; they voted all day, Democrats, Populists, and Republicans, white and black; and after they began to count out the ballots, the ballots that had been honestly cast and were honestly counted—and I call the attention of Republicans to the fact that neither the contestant nor any witness for him says that these votes were not counted properly—that while the ballots were being counted they discovered in the bottom of the box a lot of old ballots of the 1896 election. One witness says they were old State tickets; all the other witnesses say they were old county tickets. The contestant's own witnesses say that the judges of election at once proceeded to separate the old faded tickets, which were readily distinguishable, having on them the names of county candidates in the election two years before, from the new ballots cast that day.

His own witnesses say that there was no trouble in distinguishing them, and that they were separated and honestly and properly counted. Gentlemen, are you not destroying all honesty in elections when you come before the American Congress and demand that the precinct of South Waynesville shall be disfranchised because a few of last year's tickets were found in that box? Suppose you had found a last year's bird nest in it, would you throw out the precinct? Suppose you found some blank paper in it, would you throw out the precinct?

Suppose you had found a spider's web in there; would you have thrown out the precinct? No. And yet because they found some of last year's tickets not worth as much as a spider's web or an old bird nest, they have the arrogance and the presumption to come before the American Congress and appeal to you to unseat Mr. Crawford and seat Mr. Pearson, because, forsooth, although no harm had come from it, the judges failed to open the box before the election began and examine it and see that there was nothing in it!

Gentlemen, you will find no principle in any law writer upon which you can base such a contention. You will find no such principle enunciated by any judge in all this land. You will find no such principle declared in any of the various reports heretofore filed in the House of Representatives of the American Congress. Yet, on those grounds, though they allege no fraud and no wrong, though they allege nothing whatever that would subtract one vote from Mr. Crawford or add one vote to Mr. Pearson, the majority in their report virtually ask you to ignore precedent, to ignore justice, and upon mere partisan lines and by an appeal to a partisan majority to trample upon the will of that people by throwing out the precinct of South Waynesville.

They virtually ignore the will of the people in their report by throwing out the nine precincts of Asheville, by throwing out the precincts of Black Mountain, Old Fort, Marble, and several other precincts, and tell the people of that Congressional district that they did not know what they were doing; that they did not elect anybody, but that you, the majority of this House, will, under the guise of honesty and justice, proceed to elect a man whose views, perhaps, harmonize with yours; that you will elect him contrary to the regularly and duly expressed will of the majority of voters of the Ninth district of North Carolina. This report recommends that you reject 17 precincts with 4,700 votes. I hope this will not be done. I know that the majority of this House can not do it if gentlemen will take these reports home and read them to-night and find out the facts of this case.

The people of North Carolina are waiting for your decision. Ah, gentlemen, it may be true that the execution of such contemplated wrong as I have ascribed to this report would help the Democrats in North Carolina. It may be that if you act upon those baseless principles and throw out the man whom the people have elected, it will help us politically. But we do not want your help in that way. We want you to act honestly on the facts of this case. We trust you will do it. We believe that every man who will give careful study to the case will find, as the eminent gentleman from New York [Mr. DRISCOLL] found, that Mr. Crawford can not rightfully be thrown out and Mr. Pearson seated upon any such grounds as disclosed in this case.

Mr. THROPP. Does not Mr. Crawford ask to have one precinct thrown out on the very same principle that you have stated in reference to another precinct?

Mr. KITCHIN. I am glad the gentleman has called my attention to that point. If he is a lawyer——

Mr. THROPP. I am not.

Mr. KITCHIN. Well, then, I can excuse the gentleman. But the same point was made by the gentleman from Massachusetts, who, I presume, is a lawyer, when, in the course of this case, it was claimed by contestant that South Waynesville should be thrown out on the ground of registration away from the voting place, the contestee, as a counterclaim, as an offset to that, said, "While we deny your right to throw out Waynesville, to trample justice under your feet in that manner, if you are going to throw out Waynesville, the same principle requires you to throw out these other precincts." We did not ask to throw out on that ground a single precinct or a single vote, but we simply said, "If you are going to override law and justice in one instance for contestant, then let it be done in the other for contestee."

Mr. THROPP. Then the gentleman believes in following a bad example?

Mr. KITCHIN. I say that this Republican House, if it sees fit to set a bad example, should be consistent in applying the same law to both parties in the same case in favor of one party as well as another. But I deny that such an example ought to be set in the first instance.

Mr. WILLIAMS of Mississippi. In other words, if the Republican House of Representatives is going to lay down that as the law for one precinct it ought to be the law for all.

Mr. KITCHIN. Yes; that is all I contend for, and all that the minority of this committee has contended for. Every lawyer in this House understands that under the Revised Statutes we have that right. Every gentleman on the other side knows that it would have been folly for us, with a good majority, to have come here and ask that any precinct be thrown out. We never did it. We were simply acting under our right under the Revised Statutes, and claimed that defects relative to registration of voters existed in two Republican precincts as well as in South Waynesville, and that the same rule should be applied to all precinct, but always denying that South Waynesville should be thrown out and her people disfranchised. [Applause.]

Mr. ROBERTS. It being now somewhat past the usual hour of adjournment, I move that the House adjourn.

WITHDRAWAL OF PAPERS.

Pending the motion to adjourn, the following business was transacted by unanimous consent:

Mr. STEELE obtained leave to withdraw from the files of the House without leaving copies the papers in the case of Col. G. G. Pride, Fifty-fifth Congress, there having been no adverse report.

CHANGE OF REFERENCE.

The Committee on the District of Columbia was discharged from the further consideration of the bill (H. R. 11080) to authorize the appointment of additional assistant inspectors of buildings in the District of Columbia; and the same was referred to the Committee on Appropriations.

And then the motion of Mr. ROBERTS was agreed to; and accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers submitting facts relating to disallowances of accounts of Maj. H. M. Adams—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers submitting facts relating to a disallowance of account of Capt. C. McD. Townsend—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting a letter from the Chief of Engineers submitting facts relating to disallowances in accounts of Lieut. Col. W. A. Jones—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Red Lake and Red Lake River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Otter Tail Lake and Otter Tail River, Minnesota—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the Lower Willamette and Columbia rivers, below Portland, Oreg.—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the case of the brig *Union*, John Walker, master, against the United States—to the Committee on Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GRAFF, from the Committee on Claims, to which was referred the bill of the Senate (S. 982) authorizing and directing the Secretary of the Interior to examine certain claims of persons who owned or occupied buildings on the Hot Springs Mountain Reservation, which had been condemned by the Hot Springs Commission and afterwards burned, and to fix a reasonable value thereof, and making appropriation for the payment of said claims, reported the same without amendment, accompanied by a report (No. 1341); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 10700) to confirm a lease with the Seneca Nation of Indians, reported the same without amendment, accompanied by a report (No. 1403); which said bill and report were referred to the House Calendar.

Mr. BRENNER, from the Committee on War Claims, to which was referred the joint resolution of the House (H. J. Res. 248) authorizing and directing the Secretary of the Treasury to adjust and pay certain claims of the State of Ohio, reported the same without amendment, accompanied by a report (No. 1405); which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the bill of the House (H. R. 5450) to protect free labor from prison competition, reported the same with amendment, accompanied by a report (No. 1415); which said bill and report were referred to the House Calendar.

Mr. PARKER of New Jersey, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 4457) for the recognition of the military service of the officers and enlisted men of certain State military organizations, reported the same without amendment, accompanied by a report (No. 1419); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 11059) to provide an American register for the ships *Star of Bengal* and *Star of Italy*, reported the same with amendment, accompanied by a report (No. 1420); which said bill and report were referred to the House Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 2799) to carry into effect the stipulations of Article VII of the treaty between the United States and Spain, concluded on the 10th day of December, 1898, reported the same with amendment, accompanied by a report (No. 1423); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10872) granting a pension to Caroline Buehler, reported the same with amendment, accompanied by a report (No. 1287); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 78) granting a pension to Samuel W. Childs, reported the same without amendment, accompanied by a report (No. 1288); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 269) to place the name of Mrs. Rosa G. Thompson, formerly Mrs. Rosa G. Edwards, upon the pension roll, reported the same with amendment, accompanied by a report (No. 1289); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9176) granting a pension to Emily Haines Harrison, reported the same with amendment, accompanied by a report (No. 1290); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2795) granting an increase of pension to Christina Noll, reported the same without amendment, accompanied by a report (No. 1291); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5644) to increase the pension of Charles Alfred De Arnaud, reported the same with amendment, accompanied by a report (No. 1292); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5120) granting a pension to John S. Coggeshall, reported the same with amendment, accompanied by a report (No. 1293); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2451) granting a pension to Jennie P. Stover, reported the same without amendment, accompanied by a report (No. 1294); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1569) granting a pension to Phebe E. C. Priestly, reported the same without amendment, accompanied by a report (No. 1295); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 437) granting a pension to Mary E. Reynolds, reported the same with amendment, accompanied by a report (No. 1296); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4006) granting an increase of pension to Edward M. Tucker, reported the same without amendment, accompanied by a report (No. 1297); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2008) granting a pension to Flavel H. Van Eaton, reported the same without amendment, accompanied by a report (No. 1298); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 2398) granting a pension to Andrew Jackson, reported the same with amendment, accompanied by a report (No. 1299); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2539) granting an increase of pension to Milton H. Daniels, reported the same without amendment, accompanied by a report (No. 1300); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3294) granting a pension to Louesa Moulton, reported the same without amendment, accompanied by a report (No. 1301); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1758) granting an increase of pension to Farnham J. Eastman, reported the same without amendment, accompanied by a report (No. 1302); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 169) granting a pension to George E. Tuttle, reported the same without amendment, accompanied by a report (No. 1303); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4986) for the increase of pension of William P. Aylesworth, reported the same with amendment, accompanied by a report (No. 1304); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3289) granting a pension to Isabella Underwood, reported the same without amendment, accompanied by a report (No. 1305); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 163) granting an increase of pension to Dwight D. Wilber, reported the same without amendment, accompanied by a report (No. 1306); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3899) granting a pension to James Cook, reported the same without amendment, accompanied by a report (No. 1307); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2977) granting an increase of pension to Jacob P. Fletcher, reported the same without amendment, accompanied by a report (No. 1308); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3788) granting an increase of pension to James Williams, reported the same without amendment, accompanied by a report (No. 1309); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1204) to pension Martha McSwain, widow of William McSwain, reported the same with amendment, accompanied by a report (No. 1310); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7621) granting a pension to William H. Chapman, reported the same with amendment, accompanied by a report (No. 1311); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 103) granting an increase of pension to Charles Critzer, reported the same without amendment, accompanied by a report (No. 1312); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4650) granting a pension to Mrs. Sarah Parrish, reported the same with amendment, accompanied by a report (No. 1313); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3089) to grant a pension to Kate M. Pond reported the same with amendment, accompanied by a report (No. 1314); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3183) granting a pension to George W. Newell, reported the same without amendment, accompanied by a report (No. 1315); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 3300) granting an increase of pension to Luke H. Monson, reported the same without amendment, accompanied by a report (No. 1316); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1460) granting a pension to Charles A. Hutchings, reported the same without amendment, accompanied by a report (No. 1317); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3058) granting an increase of pension to Harriet E. Meylert, reported the same without amendment, accompanied by a report (No. 1318); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10749) granting a pension to Henry L. White, reported the same with amendment, accompanied by a report (No. 1319); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3861) for the relief of Jesse Millard, late corporal, Company G, Third Tennessee Cavalry, reported the same with amendment, accompanied by a report (No. 1320); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7329) to increase the pension of Lewis Swenson, reported the same with amendment, accompanied by a report (No. 1321); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1274) granting an increase of pension to Augustus C. Pyle, reported the same without amendment, accompanied by a report (No. 1322); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2849) granting a pension to Mary A. Hanson, of Jackson County, Ill., reported the same with amendment, accompanied by a report (No. 1323); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3082) granting a pension to Elizabeth F. Wolfley, reported the same without amendment, accompanied by a report (No. 1324); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1548) granting an increase of pension to James Byrne, reported the same without amendment, accompanied by a report (No. 1325); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7553) granting a pension to Fannie M. O'Linn, of Chadron, in the State of Nebraska, reported the same with amendment, accompanied by a report (No. 1326); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1364) granting an increase of pension to Henry H. Blockson, reported the same without amendment, accompanied by a report (No. 1327); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 716) granting a pension to Susan Buck, reported the same without amendment, accompanied by a report (No. 1328); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4007) granting an increase of pension to Bernard Dunn, reported the same without amendment, accompanied by a report (No. 1329); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1990) for the relief of Julia A. Heath, reported the same with amendment, accompanied by a report (No. 1330); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6854) to increase the pension of Frederick W. Kellogg, reported the same with amendment, accompanied by a report (No. 1331); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 61) granting a pension to George Bunce, reported the same without amendment, accompanied by a report (No. 1332); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 825) granting an increase

of pension to Joseph B. Coons, reported the same without amendment, accompanied by a report (No. 1333); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9308) granting an increase of pension to Joseph M. Shaw, reported the same with amendment, accompanied by a report (No. 1334); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1551) granting a pension to John G. B. Masters, reported the same without amendment, accompanied by a report (No. 1335); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3154) granting an increase of pension to Kate Cadwell, reported the same without amendment, accompanied by a report (No. 1336); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3634) granting a pension to Mary P. Hunter, reported the same without amendment, accompanied by a report (No. 1337); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10062) granting an increase of pension to Harriet Crotsenburg, reported the same with amendment, accompanied by a report (No. 1338); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10381) granting an increase of pension to G. T. Ridlon, reported the same with amendment, accompanied by a report (No. 1339); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4800) granting a pension to Joseph Crawford, reported the same with amendment, accompanied by a report (No. 1340); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10847) granting a pension to Betsey A. Summers, reported the same with amendment, accompanied by a report (No. 1342); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3549) granting an increase of pension to William A. Keyes, reported the same without amendment, accompanied by a report (No. 1343); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions. to which was referred the bill of the House (H. R. 471) granting an increase of pension to John W. Craig, reported the same with amendment, accompanied by a report (No. 1344); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1822) granting an increase of pension to Isaac M. Shup, reported the same without amendment, accompanied by a report (No. 1345); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8207) to grant a pension to Joseph Quinn, reported the same with amendment, accompanied by a report (No. 1346); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 314) granting a pension to Rosa L. Couch, reported the same without amendment, accompanied by a report (No. 1347); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7327) granting an increase of pension to Charles S. Paine, reported the same with amendment, accompanied by a report (No. 1348); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9719) granting a pension to Amos W. Felker, reported the same with amendment, accompanied by a report (No. 1349); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7328) granting an increase of pension to John Nicklin, reported the same with amendment, accompanied by a report (No. 1350); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 756) granting a pension to Lydia F. Wiley, reported the same without amendment, accompanied by a report (No. 1351); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10778) granting an increase of pension to Martin V. B. Winkler, reported the same with amendment, accompanied by a report (No. 1352); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2215) granting an increase of pension to Robert J. Koonce, reported the same without amendment, accompanied by a report (No. 1353); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9502) granting a pension to Phœbe A. La Mott, reported the same with amendment, accompanied by a report (No. 1354); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1553) granting an increase of pension to Samantha Barnes, reported the same without amendment, accompanied by a report (No. 1355); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1803) granting a pension to Julia E. G. Lewis, reported the same with amendment, accompanied by a report (No. 1356); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2962) granting an increase of pension to William Blades, reported the same without amendment, accompanied by a report (No. 1357); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1207) granting an increase of pension to Levi Chandler, reported the same without amendment, accompanied by a report (No. 1358); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5150) granting a pension to William Love, reported the same with amendment, accompanied by a report (No. 1359); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2276) granting an increase of pension to George W. Ragland, reported the same without amendment, accompanied by a report (No. 1360); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5208) granting a pension to Mary E. Dickey, reported the same with amendment, accompanied by a report (No. 1361); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1734) to grant a pension to Mary A. Whitmore, reported the same with amendment, accompanied by a report (No. 1362); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10912) granting an increase of pension to John Whitmore, reported the same without amendment, accompanied by a report (No. 1363); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6407) to increase the pensions of Michael S. Brockett, George W. Williams, and Isaac N. Willhite, reported the same with amendment, accompanied by a report (No. 1364); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2142) for the relief of Anna Whitney Tarbell, reported the same without amendment, accompanied by a report (No. 1365); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9010) granting an increase of pension to Charles A. Westfield, of Wilkesbarre, Pa., reported the same with amendment, accompanied by a report (No. 1366); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2752) granting a pension to Edmund P. Tierney, reported the same with amendment, accompanied by a report (No. 1367); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 306) granting an

increase of pension to Warren L. Eaton, reported the same without amendment, accompanied by a report (No. 1368); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10761) granting an increase of pension to Oliver H. Cram, reported the same with amendment, accompanied by a report (No. 1369); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 7190) to increase the pension of George O. Cole, reported the same with amendment, accompanied by a report (No. 1370); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3467) granting a pension to Hellen Lang, reported the same without amendment, accompanied by a report (No. 1371); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 10261) granting a pension to Josiah H. Buckingham, reported the same with amendment, accompanied by a report (No. 1372); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8218) granting a pension to Mrs. Mary E. Lacey, an Army nurse, reported the same with amendment, accompanied by a report (No. 1373); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2483) granting an increase of pension to Lewis C. Beard, reported the same without amendment, accompanied by a report (No. 1374); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10235) granting an increase of pension to George Friend, reported the same without amendment, accompanied by a report (No. 1375); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1441) granting an increase of pension to James G. Hartzell, reported the same without amendment, accompanied by a report (No. 1376); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1965) granting a pension to John Lonergan, reported the same with amendment, accompanied by a report (No. 1377); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1831) granting an increase of pension to Henry H. Lewis, reported the same without amendment, accompanied by a report (No. 1378); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10524), granting an increase of pension to Lewis H. Riden, reported the same with amendment, accompanied by a report (No. 1379); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3418) granting an increase of pension to Eliza Adelaide Ball, reported the same without amendment, accompanied by a report (No. 1380); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5648) to grant a pension to Mrs. Mary B. Allen, reported the same with amendment, accompanied by a report (No. 1381); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5117) for the relief of Roland Burnett, reported the same with amendment, accompanied by a report (No. 1382); which said bill and report were referred to the Private Calendar.

Mr. HOFFECKER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3268) granting an increase of pension to Elisha F. Barton, reported the same without amendment, accompanied by a report (No. 1383); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4879) granting an increase of pension to D. Cyrus Holdridge, reported the same with amendment, accompanied by a report (No. 1384); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 847), granting an increase of pension to James B. Logan, reported the same without amendment, accompanied by a report (No. 1385); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6096) granting a pension to Samuel W. Kirkendall, reported the same with amendment, accompanied by a report (No. 1386); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1734) granting a pension to Mary S. Belding, reported the same without amendment, accompanied by a report (No. 1387); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10750) to restore James H. Rainey to the pension roll, reported the same with amendment, accompanied by a report (No. 1388); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7714) granting a pension to Sarah M. Leslie, reported the same with amendment, accompanied by a report (No. 1389); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 3293) granting an increase of pension to Helen Harlow, reported the same without amendment, accompanied by a report (No. 1390); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2900) granting a pension to Hannah G. Huff, reported the same without amendment, accompanied by a report (No. 1391); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2550) granting an increase of pension to Charles W. Hobart, reported the same without amendment, accompanied by a report (No. 1392); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2392) granting a pension to Daniel Davis, reported the same with amendment, accompanied by a report (No. 1393); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 258) granting an increase of pension to Coryden Bevans, reported the same without amendment, accompanied by a report (No. 1394); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2993) granting an increase of pension to Edward Madden, reported the same without amendment, accompanied by a report (No. 1395); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10029) granting a pension to Elizabeth Springer, widow of Charles Springer, late of Company G, Ninth Ohio Volunteer Cavalry, reported the same with amendment, accompanied by a report (No. 1396); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2961) granting an increase of pension to Michael Lochard, reported the same without amendment, accompanied by a report (No. 1397); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4679) granting a pension to Micager Philpot, reported the same with amendment, accompanied by a report (No. 1398); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10616) granting an increase of pension to Jonathan Mead, reported the same without amendment, accompanied by a report (No. 1399); which said bill and report were referred to the Private Calendar.

Mr. GASTON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4069) to restore the name of Julia A. Kinkead to the pension rolls, reported the same with amendment, accompanied by a report (No. 1400); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 2203) granting an increase of pension to William Taylor, reported the same without amendment, accompanied by a report (No. 1401); which said bill and report were referred to the Private Calendar.

Mr. HEDGE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6902) granting a pension to Mrs. Lydia A. Tryon, reported the same with amendment,

accompanied by a report (No. 1402); which said bill and report were referred to the Private Calendar.

Mr. SIMS, from the Committee on War Claims, to which was referred the bill of the House (H. R. 6359) for the relief of the heirs of William Heryford, deceased, reported the same without amendment, accompanied by a report (No. 1407); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 3860) for the relief of the widow of the late Capt. Daniel C. Trewhitt, of Chattanooga, Tenn., reported the same with amendment, accompanied by a report (No. 1408); which said bill and report were referred to the Private Calendar.

Mr. WEAVER, from the Committee on War Claims, to which was referred the bill of the House (H. R. 9209) to confer jurisdiction upon the Court of Claims to hear and adjudicate the claim of the personal representatives of William Kiskadden, deceased, reported the same with amendment, accompanied by a report (No. 1409); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2795) for the relief of Milton F. Colburn, administrator of the estate of Gilbert Colburn, deceased, late of Annapolis, Md., reported the same without amendment, accompanied by a report (No. 1410); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 2797) for the relief of Gotlieb Feldmeyer, of Annapolis, Md., reported the same without amendment, accompanied by a report (No. 1411); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on War Claims, to which was referred the bill of the Senate (S. 3473) for the relief of Corinne Strickland, reported the same without amendment, accompanied by a report (No. 1412); which said bill and report were referred to the Private Calendar.

Mr. MAHON, from the Committee on War Claims, to which was referred the bill of the House (H. R. 2028) for the relief of Michael Kries, reported the same without amendment, accompanied by a report (No. 1413); which said bill and report were referred to the Private Calendar.

Mr. WEAVER, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7038) for the relief of William P. Marshall, reported the same without amendment, accompanied by a report (No. 1414); which said bill and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on Claims, to which was referred the bill of the House (H. R. 5654) for the relief of Lawrence Collins and Edward J. Flanigan, reported the same with amendment, accompanied by a report (No. 1416); which said bill and report were referred to the Private Calendar.

Mr. BOUTELL of Illinois, from the Committee on Claims, to which was referred the bill of the House (H. R. 8122) for the relief of Frank B. Crosthwaite, reported the same without amendment, accompanied by a report (No. 1417); which said bill and report were referred to the Private Calendar.

Mr. OTEY, from the Committee on Claims, to which was referred the bill of the House (H. R. 2777) authorizing and directing the Secretary of the Treasury to pay to the heirs of Peter Johnson certain money due him for carrying the mail, reported the same with amendment, accompanied by a report (No. 1418); which said bill and report were referred to the Private Calendar.

Mr. JONES of Washington, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 8765) for the relief of John C. Smith, reported the same with amendment, accompanied by a report (No. 1421); which said bill and report were referred to the Private Calendar.

Mr. OTJEN, from the Committee on War Claims, to which was referred the bill of the House (H. R. 7801) for the relief of John D. Youell and 127 other House bills, reported in lieu thereof a House resolution, No. 254, referring to the Court of Claims the claim of John D. Youell and 127 others, accompanied by a report (No. 1422); which said resolution and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DE VRIES: A bill (H. R. 11426) to provide for sittings of the circuit and district courts of the northern district of California in the city of Sacramento, in said district—to the Committee on the Judiciary.

By Mr. PAYNE: A bill (H. R. 11427) to amend the internal-revenue laws relating to brands upon distillers' packages—to the Committee on Ways and Means.

By Mr. SHERMAN: A bill (H. R. 11428) amending the statutes relating to the delivery of imported merchandise—to the Committee on Ways and Means.

By Mr. STOKES: A bill (H. R. 11429) to provide for the investigation of the historical archives and public records of the several States and Territories, and of the United States, with a view to their preservation by publication—to the Committee on the Library.

By Mr. JONES of Washington: A bill (H. R. 11430) to amend an act entitled "An act to provide additional regulations for homestead and preemption entries for public lands," approved March 3, 1879—to the Committee on the Public Lands.

By Mr. McCLELLAN: A bill (H. R. 11462) to amend section 1 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898—to the Committee on Ways and Means.

By Mr. PAYNE: A joint resolution (H. J. Res. 251) granting permission for the erection of a monument or statue in Washington City, D. C., in honor of the late Annie Wittenmeyer, past national president of the Woman's Relief Corps of the United States, ex-Army nurse, founder of the Soldiers' Orphans' Home at Davenport, Iowa—to the Committee on the Library.

By Mr. GROSVENOR: A resolution (H. Res. 252) directing the Secretary of the Treasury to furnish the House certified copies of the several reports made by James W. McGinnis relating to the manufacture of oleo—to the Committee on Ways and Means.

By Mr. HEATWOLE: A resolution (H. Res. 253) directing the superintendent of the House folding room to make a complete inventory of all printed books, maps, and pamphlets in the folding room—to the Committee on Printing.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. SPALDING, from the Committee on War Claims, to which was referred the bill of the House (H. R. 8698) to provide for payment of 50 per cent additional for all work in excess of eight hours per diem for certain per diem employees of the Government, reported the same adversely, accompanied by a report (No. 1404); which said bill and report were laid on the table.

He also, from the same committee, to which was referred the bill of the House (H. R. 8403) to refer the claims of Armstrong and others to the Court of Claims, reported the same adversely, accompanied by a report (No. 1406); which said bill and report were laid on the table.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 11431) to remove the charge of desertion against the name of John M. Lockry, late of Company L, Fourth Michigan Cavalry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 11432) granting an increase of pension to John Neeb—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 11433) granting a pension to Mrs. Mary E. Cole—to the Committee on Invalid Pensions.

By Mr. COONEY: A bill (H. R. 11434) for the relief of John H. Alexander—to the Committee on War Claims.

By Mr. GROUT: A bill (H. R. 11435) granting a pension to Joseph A. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11436) granting an increase of pension to Fernando C. Back—to the Committee on Invalid Pensions.

By Mr. HALL: A bill (H. R. 11437) granting an increase of pension to Martin Kopp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11438) granting an honorable discharge to Jeremiah Dressler—to the Committee on Military Affairs.

Also, a bill (H. R. 11439) granting an honorable discharge to William A. Deemer—to the Committee on Military Affairs.

By Mr. JACK: A bill (H. R. 11440) granting an increase of pension to Joseph B. Smith—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 11441) granting an increase of pension to Mrs. Rosalia Hackmeier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11442) granting a pension to Sabrina L. B. Abbott—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 11443) granting a pension to Benjamin Contal—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 11444) for the relief of William J. Brodie—to the Committee on Military Affairs.

Also, a bill (H. R. 11445) for the relief of Frederick Miller—to the Committee on Naval Affairs.

Also, a bill (H. R. 11446) to remove the charge of desertion from

the military record of John Mander—to the Committee on Military Affairs.

Also, a bill (H. R. 11447) for the relief of certain officers of the Second Regiment Louisiana Cavalry Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 11448) correcting the military record of Ferdinand Pizzica—to the Committee on Military Affairs.

By Mr. NEEDHAM: A bill (H. R. 11449) granting a pension to Michael Fitzgerald—to the Committee on Pensions.

By Mr. RHEA of Kentucky: A bill (H. R. 11450) granting a pension to S. H. Duvall—to the Committee on Invalid Pensions.

By Mr. RHEA of Virginia: A bill (H. R. 11451) to remove the charge of desertion from the records of Henry H. Winn—to the Committee on Military Affairs.

By Mr. RIORDAN: A bill (H. R. 11452) to restore the name of Nettie L. Bliss to the pension roll—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 11453) granting a pension to Charles E. Binns—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A bill (H. R. 11454) granting an increase of pension to Clemencia M. Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 11455) granting a pension to Daisy Phillips—to the Committee on Invalid Pensions.

By Mr. SPIGHT: A bill (H. R. 11456) for the relief of the estate of John P. Caruthers, deceased—to the Committee on War Claims.

Also, a bill (H. R. 11457) for the relief of the heirs of H. G. Spencer, deceased—to the Committee on War Claims.

By Mr. STEWART of New York: A bill (H. R. 11458) to remove the charge of desertion from the military record of William Morenus—to the Committee on Military Affairs.

By Mr. TAYLER of Ohio: A bill (H. R. 11459) granting a pension to Elizabeth Davis—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 11460) to correct the military record of William H. Signet—to the Committee on Military Affairs.

By Mr. HENRY of Connecticut: A bill (H. R. 11461) for the relief of William B. Franklin—to the Committee on Military Affairs.

By Mr. OTJEN, from the Committee on War Claims: A resolution (H. Res. 254) referring to the Court of Claims the case of John D. Youell and 127 others—to the Calendar of the Whole House.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOUTELLE of Maine: Petition of citizens of Myra, Me., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. BURKETT: Resolutions of Electrical Brotherhood of Columbus, Ohio, against any legislation regulating the manufacture of butterine—to the Committee on Agriculture.

By Mr. BURLEIGH: Resolutions of Nathan F. Blunt Post, No. 109, of Bingham, Me., Grand Army of the Republic, in favor of a bill locating a Branch Soldiers' Home near Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. BUTLER: Petition of the Woman's Christian Temperance Union of Downingtown, Pa., urging the enactment of the anti-canteen bill—to the Committee on Military Affairs.

Also, petition of citizens of Chester County, Pa., to amend the present law in relation to the sale of oleomargarine—to the Committee on Agriculture.

By Mr. CARMACK: Papers relating to the claim of Jemima Chambers, of Fayette County, Tenn.—to the Committee on War Claims.

By Mr. CLARKE of New Hampshire: Petition of the Woman's Christian Temperance Union of Peterboro, N. H., for the passage of a bill to forbid the sale of liquors in canteens—to the Committee on Military Affairs.

Also, petition of Penniman Post, No. 42, Department of New Hampshire, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

Also, petition of citizens of Contoocook, N. H., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. GAMBLE: Petition of druggists of Rapid City, S. Dak., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. GROUT: Papers to accompany House bill granting an increase of pension to Fernando C. Back—to the Committee on Pensions.

Also, papers to accompany House bill granting a pension to Joseph A. Wilson—to the Committee on Invalid Pensions.

Also, petition of M. A. Adams, president of Highland Creamery, and 23 others, of Derby, Vt., in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. HEDGE: Petition of druggists of Burlington, Iowa, for the repeal of the stamp tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. JACK: Petition of Jefferson Post, No. 269, Department of Pennsylvania, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. JONES of Washington: Resolutions of the Chamber of Commerce of Seattle, urging liberal appropriations for the support of the Hydrographic Office of the Navy Department—to the Committee on Appropriations.

Also, resolutions adopted at a public meeting at Coupeville, Wash., relative to the sale of liquors and urging certain other reforms in the new possessions—to the Committee on Insular Affairs.

By Mr. McALEER: Resolutions of the American Philosophical Society, of Philadelphia, Pa., urging the establishment of a national standards bureau—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Indiana Horticultural Society, of Lafayette, Ind.; Virginia State Horticultural Society, and Maryland State Horticultural Society, favoring the passage of the Brosius pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Trades League of Philadelphia, Pa., urging the immediate construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

Also, petition of E. K. Tryon, jr., & Co., of Philadelphia, Pa., urging liberal hydrographic appropriations for the support of the Geological Survey for the reclaiming of arid lands—to the Committee on Appropriations.

Also, petition of Hon. A. S. CLAY and Hon. L. F. LIVINGSTON, indorsing the work of C. P. Goodyear on the outer bar of Brunswick, Ga., and urging such legislation as will enable him to continue the work—to the Committee on Rivers and Harbors.

Also, resolution of the Trades League of Philadelphia, Pa., indorsing House bill No. 10374, increasing the postage on certain publications and favoring 1-cent local letter postage—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Philadelphia Board of Trade, urging the passage of House bill 10035, amending the Loud bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of the National Association of Railway Postal Clerks, favoring House bill No. 10301, relating to the Railway Mail Service appropriation—to the Committee on the Post-Office and Post-Roads.

By Mr. MAHON: Petitions of the Methodist Episcopal Church of Mount Union and Women's Missionary Society of Upton, Pa., for the passage of a bill to forbid the sale of liquors in canteens—to the Committee on Military Affairs.

Also, petition of Mapleton Depot Grange, No. 1134, Patrons of Husbandry, of Pennsylvania, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

By Mr. MERCER: Petition of citizens of Omaha, Nebr., in reference to manufacture of baking powder—to the Committee on Agriculture.

By Mr. MEYER of Louisiana: Paper to accompany House bill for the removal of disabilities of the officers of the Second Louisiana Cavalry Volunteers, New Orleans, La., caused by Special Orders, No. 121, September 7, 1864—to the Commitee on Military Affairs.

Also, paper to accompany House bill to correct the military record of William J. Brodie—to the Committee on Military Affairs.

Also, papers to accompany House bill to correct the military record of Ferdinand Pezzica—to the Committee on Military Affairs.

By Mr. NAPHEN: Resolutions of Local Union No. 54, International Electrical Workers' Brotherhood, Columbus, Ohio, against the passage of legislation restricting the manufacture of oleomargarine—to the Committee on Agriculture.

Also, resolutions of the New England Shoe and Leather Association, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Massachusetts Convention of Grocers and Provision Dealers, relating to the bankruptcy law, parcels-post system, and certain other measures—to the Committee on the Judiciary.

Also, resolutions of the American Chemical Society, in favor of legislation for a national bureau of standards and standardization—to the Committee on Coinage, Weights, and Measures.

By Mr. OTJEN: Petition of International Brotherhood of Bookbinders, in favor of House bill 9669 and Senate bill 3874, relating

to rate of wages at the Government Printing Office—to the Committee on Printing.

By Mr. OVERSTREET: Sundry petitions of citizens of the State of Indiana, for the passage of a bill to forbid the sale of liquors in canteens—to the Committee on Military Affairs.

By Mr. RHEA of Kentucky (by request): Petition of S. H. Perkins and other citizens, of Elkton, Ky., to accompany House bill granting a pension to Charles W. Bivins—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to S. H. Duvall—to the Committee on Invalid Pensions.

By Mr. RIXEY: Papers to accompany House bill for the relief of Charles E. Binns, of Langley, Va.—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of John N. Ames and 8 other pharmacists of Chelsea, Mass., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. SCUDDER: Petition of certain citizens of Hicksville, N. Y., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. SHERMAN: Petition of the Mutual Life Insurance Company of New York, for the redress of certain grievances—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY C. SMITH: Petition of George S. Howes, of Jackson, Mich., for the repeal of the stamp tax on proprietary medicines, perfumery, etc.—to the Committee on Ways and Means.

By Mr. SPIGHT: Papers relating to the claim of Mrs. M. A. Doak, administratrix of A. M. Doak, of Lafayette County, Miss.—to the Committee on War Claims.

By Mr. STEWART of New Jersey: Resolutions of Farragut Post, No. 28, Department of New Jersey, Grand Army of the Republic, in favor of House bill No. 7094, to establish a Branch Soldiers' Home at Johnson City, Tenn.—to the Committee on Military Affairs.

By Mr. SULZER: Resolutions of Building Trades Council and Painters and Decorators of America, against further oleomargarine legislation by Congress—to the Committee on Agriculture.

Also, petition of Jacob Imandt and 8 wage-workers of New York City, against the passage of House bill No. 10275, amending the postal law relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Grain Dealers' National Association of Chicago, Ill., praying for a reduction of the war-revenue tax on grain or cotton tickets and bills of lading—to the Committee on Ways and Means.

By Mr. WILSON of New York: Petition of John F. Hazlett, E. Bingham, and 22 others, of Brooklyn, N. Y., against the passage of House bill No. 10275, amending the postal law relating to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. ZIEGLER: Papers to accompany House bill No. 10689, granting a pension to Michael Falkoner—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *May 10, 1900.*

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. PENROSE, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

BATTLEFIELD MONUMENTS, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War, submitting estimates of appropriations for the superintendent of battlefields, $1,500, and for repairs of monuments, etc., Antietam battlefield, $2,000; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

COPYRIGHT LAWS.

The PRESIDENT pro tempore laid before the Senate a communication from the Librarian of Congress, transmitting a compilation embodying the enactments relating to copyright from 1783 to 1899; which, with the accompanying papers, was referred to the Committee on Printing.

ALLEGED VIOLATIONS OF CIVIL-SERVICE LAW.

The PRESIDENT pro tempore laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 3d instant, papers in connection with alleged violations of section 11 of the civil-service act, occurring during the year 1899, in Ohio and in Kentucky; which, with the accompanying papers, was referred to the Committee on Civil Service and Retrenchment, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed with amendments the bill (S. 2657) to reimburse sundry collectors of internal revenue for internal-revenue stamps paid for and charged in their accounts and not received by them; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President pro tempore:

A bill (S. 392) to pay the General Marine Insurance Company of Dresden the sum of $1,434.12 for certain coupons detached from United States bonds; which said coupons were lost on the Cunard Steamship *Oregon*, sunk at sea March 14, 1886;

A bill (S. 1284) for the relief of W. H. L. Pepperell, of Concordia, Kans.;

A bill (S. 1356) for the relief of Edwin L. Field;

A bill (S. 1894) for the relief of the Union Iron Works, of San Francisco, Cal.;

A bill (S. 1905) granting an increase of pension to Lillian Capron;

A bill (S. 1906) granting an increase of pension to Agnes K. Capron;

A bill (S. 2366) to authorize the establishment at some point in North Carolina of a station for the investigation of problems connected with marine fishery interests of the Middle and South Atlantic coast;

A bill (S. 2499) to authorize needed repairs of the graveled or macadamized road from the city of Newbern, N. C., to the national cemetery near said city;

A bill (S. 2559) authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps;

A bill (S. 3537) to grant authority to change the name of the steamship *Paris;*

A bill (H. R. 1381) granting an increase of pension to James J. Angel;

A bill (H. R. 1737) granting a pension to Cora I. Cromwell;

A bill (H. R. 4030) granting an increase of pension to Margarett L. Coleman;

A bill (H. R. 4276) granting an increase of pension to John R. Eggeman;

A bill (H. R. 6784) granting an increase of pension to Henry H. Neff;

A bill (H. R. 7022) granting a pension to Rhoda A. Patman;

A bill (H. R. 8079) granting a pension to Bertha M. Jordan; and

A joint resolution (H. J. Res. 198) providing for the printing and distribution of the general report of the expedition of the steamer *Fishhawk* to Porto Rico, including the chapter relating to the fish and fisheries of Porto Rico, as contained in the Fish Commission Bulletin for 1900.

PETITIONS AND MEMORIALS.

Mr. PRITCHARD presented the petition of Martha A. Royce, of Hot Springs, N. C., praying that she be granted indemnity for the use and occupation of her property by soldiers during the late civil war; which was referred to the Committee on Claims.

Mr. McBRIDE presented a petition of Liberty Grange, No. 292, Patrons of Husbandry, of Liberty, Oreg., praying for the adoption of certain amendments to the interstate-commerce law; which was ordered to lie on the table.

He also presented a petition of Liberty Grange, No. 292, Patrons of Husbandry, of Liberty, Oreg., praying for the enactment of legislation to secure the advantages of State control of imitation dairy products; which was referred to the Committee on Agriculture and Forestry.

Mr. GALLINGER presented a petition of the Woman's Christian Temperance Union of Peterboro, N. H., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens, etc.; which was referred to the Committee on Military Affairs.

Mr. SHOUP presented a petition of sundry citizens of Idaho, praying for the establishment of a fish hatchery at Henrys Lake, Fremont County, Idaho; which was referred to the Committee on Fisheries.

He also presented a petition of 78 citizens of Bear Lake County, Idaho, and a petition of 615 citizens of Nez Perce County, Idaho, praying for the passage of the so-called free-homestead bill; which were ordered to lie on the table.

Mr. FORAKER presented a petition of the Presbytery of Steubenville, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army, Soldiers' Homes,